



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: **Sunset North Lot 10 Rezone**

Site Address: **3002 139th Ave SE**

Proposal Description: The applicant requests a Rezone from Office Limited Business (OLB) to Eastgate Transit Oriented Development (EG-TOD); and clarification and/or modification regarding the applicability of Concomitant Zoning Agreements associated with the Property.

File Number: **18-127169-LQ**

Applicant: **Sunset North, LLC**

Decisions Included: Rezone (LUC 20.30A)
Process III (LUC 20.35.300 et. seq.)

Planner: Drew Folsom, Planner

**State Environmental Policy Act
Threshold Determination:** Current proposal is within the same scope as the previously-approved Comprehensive Plan Amendment (CPA) for the Property, and the final SEPA Threshold DNS for the CPA is adopted consistent with WAC 197-11-600(4)(a)

Director's Recommendation: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: Elizabeth Stead
Elizabeth Stead, Land Use Director

Application Date: November 13, 2018
Notice of Application Publication Date: December 13, 2018
Recommendation Publication Date: May 13, 2021
Hearing Examiner Hearing Date: June 3, 2021

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

CONTENTS

I. Proposal Description	1
II. Site Description, Legislative and Permit History, Zoning, and Land Use Context	1
III. Consistency with Land Use Code Requirements:.....	5
IV. Public Notice and Comment.....	7
V. Summary of Technical Reviews	8
VI. State Environmental Policy Act (SEPA).....	9
VII. Decision Criteria.....	10
VIII. Proposed Modifications to and Clarifications of Concomitant Zoning	
Agreements Associated with the Property	13
IX. Recommendation of the Director.....	24
X Conditions of Approval	25

Attachments

1. Ordinance 6250
2. Ordinance 4010
3. SEPA DNS February 12, 2015 (In File)
4. Eastgate Subarea Plan (In File)
5. Concomitant Zoning Agreement 14463
6. Concomitant Zoning Agreement 19271
7. Concomitant Zoning Agreement 22416
8. Proposed Native Growth Protection Easement (NGPE)
9. Traffic Analysis Memorandum, Transpogroup, February 2020.

I. Proposal Description

The applicant is proposing to rezone a single parcel located at 3002 139th Ave SE (the Property) from Office Limited Business (OLB) to Eastgate Transit Oriented Development (EG-TOD). The proposal also seeks clarification and/or modification regarding the applicability of Concomitant Zoning Agreements associated with the Property.

The Bellevue City Council changed the Comprehensive Plan designation for the Property from OLB to OLB/EG-TOD on July 29, 2015, through the enactment of Ordinance 6250 (Attachment 1). The rezone is consistent with the Comprehensive Plan designation and is warranted because of a need for additional transit oriented development, including multifamily residential development, within the proposed land use district classification. The proposed zoning classification is appropriate in order to allow reasonable development of the subject property.

Required Land Use Approvals

Rezoning is a Process III decision (LUC 20.35.300 et seq.), which are quasi-judicial decisions made by the City Council. The Director makes a recommendation to the Hearing Examiner for approval, approval with conditions, or denial based on the applicable Land Use Code decision criteria. Included in the rezone application is a request for clarification and/or modification of Concomitant Zoning Agreements (CZAs) associated with the Property as allowed per Land Use Code (LUC) LUC 20.30A.120. This Staff Report contains the Director's recommendation to the Hearing Examiner concerning this rezone proposal. A discussion of the decision criteria and decision criteria compliance is in Section VIII.

Consistent with Process III, the Hearing Examiner holds a public hearing and takes testimony from the public on the Director's recommendation. Following the public hearing, the Hearing Examiner recommends to the City Council approval, approval with conditions, or denial based on whether the proposal complies with the applicable decision criteria by a preponderance of the evidence. The City Council makes a final decision based on the record established by the Hearing Examiner.

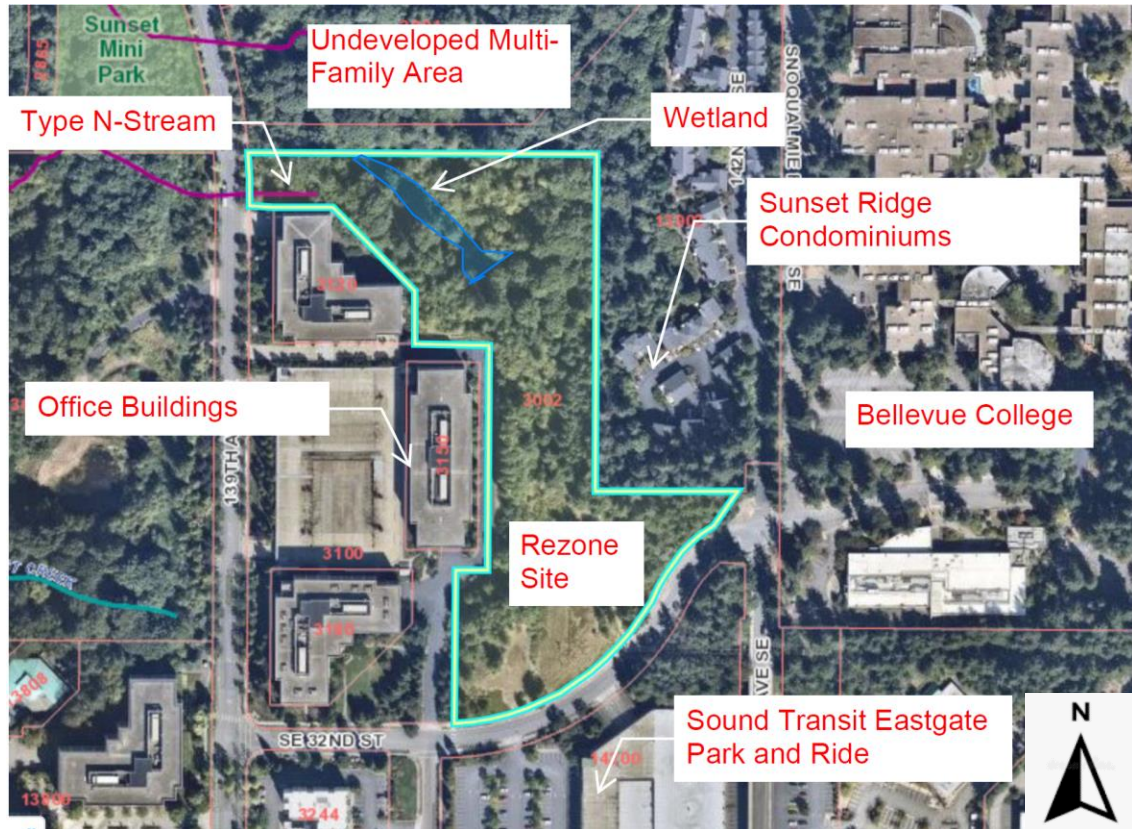
II. Site Description, Legislative and Permit History, Zoning, and Land Use Context

A. Site Description

The subject site is approximately 7.2 acres and is within the Eastgate subarea of the Comprehensive Plan. The site is located north of SE 32nd Street. Access to the site is via SE 32nd Street, a public roadway. Currently, the site is undeveloped except for retaining walls and a gravel driveway located in the southern area of the site. The topography in the southern area of the Property slopes significantly downward from east to west. Steep slopes are present in the western portion of this area. The vegetation within the disturbed area is grass and shrubs. The remainder of the site is heavily vegetated with trees and shrubs. The northern area of the Property has a mapped type

N stream, a Category-II wetland, as well as potential unmapped and untyped streams. Steep slopes are located in multiple locations on site. No development or disturbance of the property is associated with this rezone. Any proposal for the redevelopment of the property will require a full analysis of critical areas and habitat within the site.

Figure 1 (Vicinity Map/Aerial Map)



B. Concomitant Zoning Agreement and Permit History

On or around June 5, 1989, Ordinance 4010 (attachment 2) rezoned an 82.36-acre area in the City of Bellevue's (the "City's") Eastgate area, including the Property, from R-10/C, R-30/C, and CB/C to OLB and R-10 with conditions (File No. REZ 88-2659). The rezoning laid the groundwork for the development of the Sunset Ridge I-90 Corporate Center ("Sunset Ridge"), pursuant to a Master Plan and phased development. The Master Plan implemented the development described in the File No. REZ 88-2659.

The Master Plan for the Sunset Ridge development consisted of "five office buildings containing a total of 750,000 square feet of office space with associated parking for approximately 3,000 vehicles, 310 residential dwelling units with associated parking for approximately 500 vehicles, and a public park, located on an 82.36-acre site." Phase I ADR (DRMAJ 89-8575).

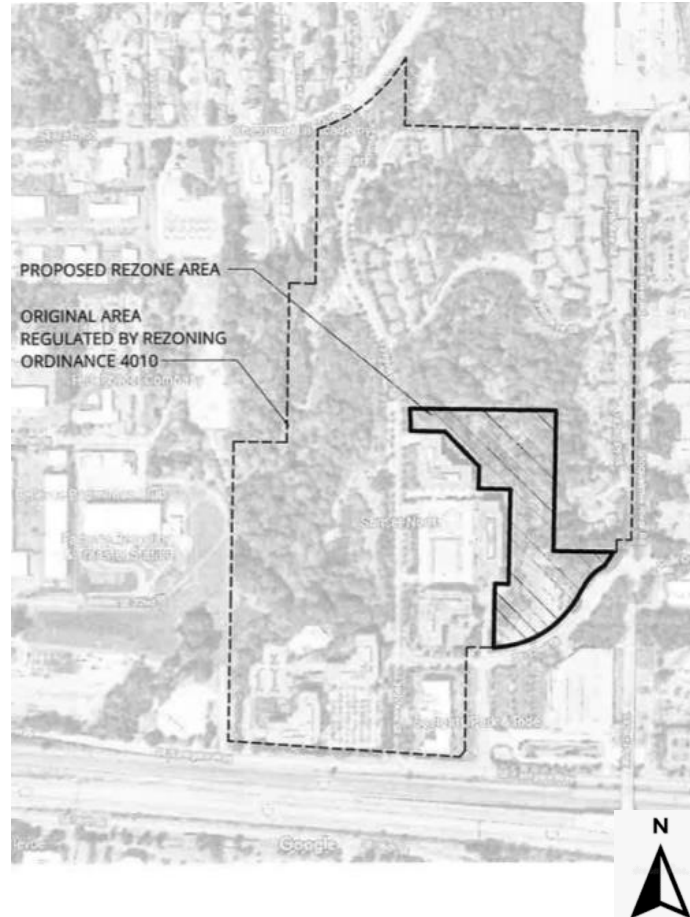
The Master Plan for Sunset Ridge included three phases of development:

- Phase I (DRMAJ 89-8575) (the “Phase I ADR”): “Construction of two office buildings totaling 311,400 SF and parking for 1,083 vehicles, on 12.23 acres.”
- Phase II (DRMAJ 90-820) (the “Phase II ADR”): “Construction of 310 attached residential dwelling units on 42.14 acres.”
- Phase III (DRMAJ-90-554): “Development of three office buildings totaling 454,273 SF and parking for 1576 vehicles on 27.99 acres.”

Within the Phase II residential construction phase for Sunset Ridge, there were two (2) separate subphases of residential construction. The initial residential construction included seventy-one (71) housing units, and the additional residential construction by Phase II included construction of the remaining two-hundred and thirty-nine (239) housing units on 42.14 acres.

Concomitant Zoning Agreement 14463 (CZA 14463) (Attachment 5), dated June 6, 1989, was included as an attachment to Ordinance 4010 (Attachment 2). The CZA was subsequently amended on June 29, 1993 (CZA 19271) (Attachment 6) and November 11, 1995 (CZA 22416) (Attachment 7). The Phase II residential construction associated with the Sunset Ridge project is described in detail in CZA 22416. The applicable conditions of the CZA's and proposed amendments are discussed in further detail in Section VIII. See Figure 3 below for a map of the Property and boundaries of the CZA.

Figure 2 (Property and CZA boundaries)

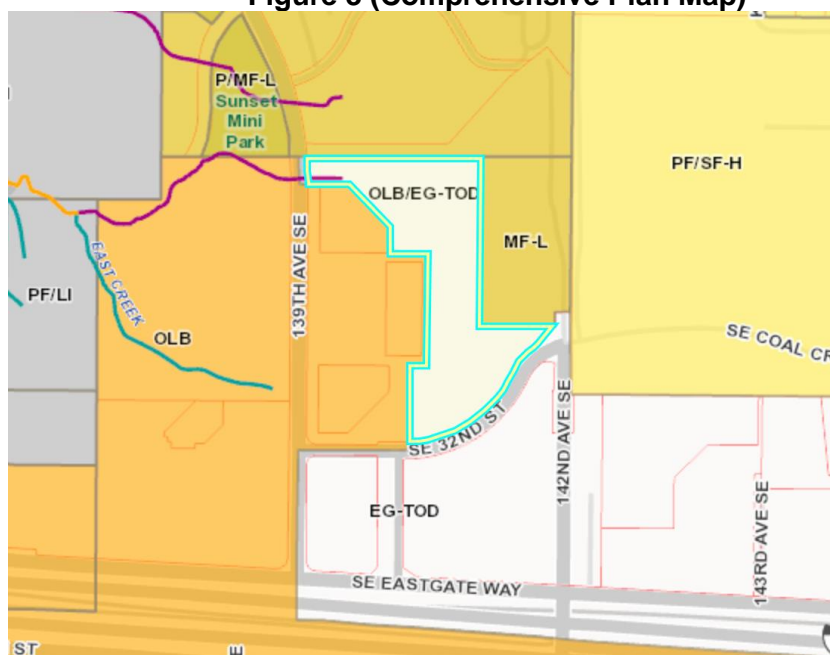


C. Comprehensive Plan Designation

In 2010, the City Council initiated a review of the Eastgate/I-90 corridor to evaluate alternatives for building on the area's assets to enhance accessibility, visibility, and job diversity in order to maintain vitality in this key employment area. For approximately 18 months, an appointed Citizen Advisory Committee (CAC) worked to define and review land use and transportation alternatives and to establish a vision for the corridor. The Council accepted the CAC's vision in 2012 and authorized the Planning Commission to implement the CAC vision shortly thereafter. In fall of 2013, the Planning Commission began working on implementation of the Eastgate/I-90 Land Use and Transportation Project. This work included review of the Richards Valley, Factoria, and Eastgate subarea plans, and evaluated the Comprehensive Land Use Plan map for amendments consistent with the Eastgate/I-90 vision.

Due to the geographical extent of the area subject to, and the complexity of the concomitant agreements, this property received a Comprehensive Plan designation change from Office Limited Business (OLB) to Eastgate Transit-Oriented Development (EG-TOD) / Office Limited Business (OLB) in 2015 as part of the Eastgate Implementation. The property has a Comprehensive Plan Designation of Office Limited Business/Eastgate Transit Oriented Development (OLB/EG-TOD). Notice of the Eastgate Implementation was included in the 10-year update Comprehensive Plan Amendment published in the Weekly Permit Bulletin on April 11, 2013. Notice of the Public Hearing before the Planning Commission, Staff Recommendation, and SEPA Determination was published on February 12, 2015. On August 3, 2015, the City Council adopted the proposed amendment to the Comprehensive Plan (Ordinance 6250 Attachment 1). The clarification to and modification of the existing concomitant agreements was envisioned when the CPA was adopted.

Figure 3 (Comprehensive Plan Map)

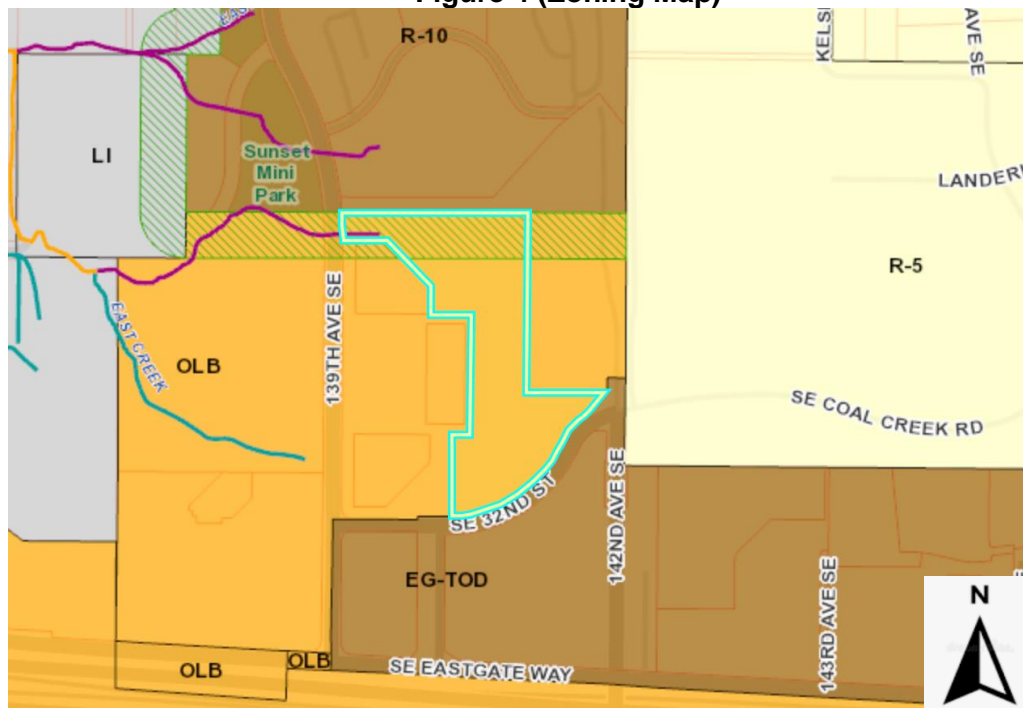


D. Zoning, and Land Use Context

The Property is currently zoned Office Limited Business (OLB) land use district. The Property also contains a Transition Area Overlay District. The surrounding zoning and land uses are as follows:

- West: OLB – Office Buildings
- South: EG-TOD – Sound Transit Eastgate Park and Ride
- East: OLB – Multi-family Townhomes
Bellevue Community College
- North: R-10 – Open Space

Figure 4 (Zoning Map)



Adjacent Land Use Context: Office development borders the Property to the west. The Sound Transit Eastgate Park and Ride borders the Property to the south. Multi-family townhomes border the Property to the east. Bellevue College is located further east. Undeveloped multi-family zoned (R-10) area borders the Property to the north. See Figures 2 and 4 for adjacent uses and zoning.

III. Consistency with Land Use Code Requirements:

A. General Provisions of Land Use Code

1. Dimensional Requirements

While no redevelopment is proposed or approved under this rezone application, the site was reviewed for conformance with the general provisions of the Land Use Code. A general listing of applicable Land Use Code elements, most footnotes not included, for Office and Limited Business (existing), and Eastgate

Transit Oriented Development (proposed) land use districts is provided below:

Zoning	Office and Limited Business (existing)	Eastgate Transit Oriented Development (proposed)
ITEM	REQUIRED/ALLOWED	REQUIRED/ALLOWED
Minimum Setback of Structures	Front – 50' Rear – 50' Side – 30' 2 Sides – 60'	Front – 0 Rear – 5' Side – 5' 2 Sides (n/a)
Floor Area Ratio (FAR)	.5	2*
Minimum Lot Area	2 Acres	n/a
Dwelling Units per Acre	30	n/a
Maximum Building Height	45' may be increased 1 story, not to exceed 15 feet, w/ basement parking	160'
Lot Coverage	35%	35% (*)
Maximum Impervious Surface	60%	60%
Alternative Maximum Impervious Surface	80%	80%
Maximum Hard Surface Coverage	85%	85%

* Lot coverage is calculated after subtracting all critical areas and stream critical area buffers; provided, that coal mine hazards (LUC 20.25H.130) and habitat associated with species of local importance (LUC 20.25H.150) shall not be subtracted.

As shown in the table above, there are differences in the dimensional standards between the existing zoning designation Office and Limited Business, and the proposed zoning designation of Eastgate – Transit Oriented Development particularly FAR and building height. The increase in FAR is mitigated by the limitations of lot coverage due to the extent of critical areas and stream buffers on the property. No amendments or modifications to the applicable CZA provisions regarding Office use are requested or recommended in connection with this rezone, and, therefore, Office use will not be permitted on the subject property. Impacts of increased building height will be lessened by the change in grade compared to surrounding residential development and existing tree canopy.

Within the OLB zoning district (existing), Transition Area Design District standards apply to the portion of the Property within 150 feet of the R-10 zoning district located north of

the Property. Per LUC 20.25B.010.A.2, Transition Area Design District standards do not apply to EG-TOD zoning districts (proposed). Due to the lack of access and presence of Critical Areas, any future development within the area currently zoned OLB and subject to Transition Area Design District Standards is unlikely and limited except for allowed activities where no feasible alternative exists or through a Critical Areas Report.

IV. Public Notice and Comment

Application Date:	November 13, 2018
Public Notice (500 feet):	December 13, 2018
Public Meeting Date:	January 15, 2019
Minimum Comment Period:	January 22, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 13, 2018. It was mailed to property owners within 500 feet of the project site. A public meeting was held at Bellevue City Hall on January 15, 2019. Comments were received during the review of the project concerning transportation impacts. A summary of the comments and staff responses are addressed below:

Comments regarding transportation impacts related to the construction of future development:

This application is for a non-project-related rezone. The rezone proposal is within the same scope as the previously approved CPA for the Property. Any future development will go through the Design Review Process and SEPA project-level review. Additional SEPA review of transportation impacts will be part of the project-level review of future development.

Comments expressing concern with existing traffic conditions, and the potential traffic impacts of the project:

At the request of the City, the applicant submitted a Traffic Analysis Memorandum by the Transpogroup, dated February 2, 2020 (Attachment 9). The memorandum analyzed proposed impacts to four intersections and determined the proposed rezone would not be expected to result in a degradation of service. Any proposal for the site will require Design Review and SEPA review. Transportation impacts and mitigation for any specific development proposed for the site will be determined based on the Transportation Impact Analysis that will be prepared at the time of project-level development review. Further discussion of the Transportation impacts and analysis of the memorandum can be found in Section V.B.

V. Summary of Technical Reviews

A. Utility Department

Utilities Department technical staff has reviewed the proposed rezone for water, sewer, and drainage capacity concerns.

Water:

No impacts from the rezone are expected. Future project/development-related impacts will be mitigated at that time.

Waste Water:

No impacts from the rezone are expected. This parcel will be required to contribute to downstream sewer capacity improvements or construct them as a part a future proposed project.

Drainage:

No impacts from the rezone are expected. Any future project and development will have to mitigate for stream & slope impacts at that time.

B. Transportation Department

The applicant is proposing to rezone the Property from the OLB designation to the EG-TOD designation, and allow the site to be developed for multi-family residential use. The Property is situated on SE 32nd Street between 140th Avenue NE and 142nd Avenue NE and is accessed from the Property frontage on SE 32nd Street. The Eastgate Transit Center is directly south of the site across SE 32nd Street.

A traffic analysis dated February 5, 2020, was prepared by Transpo Group to estimate the potential impacts of the rezone. This analysis evaluated the potential vehicle traffic operations associated with the rezone using methodology consistent with the recent Eastgate Transportation Study prepared for the area. For the study, a 250 unit multi-family development was analyzed.

The vehicle traffic analysis looked at 4 intersections and two travel corridors in the project vicinity with respect to the 2035 Volume to Capacity Level of Service (V/C LOS), the 2035 PM Peak Hour Level of Service (LOS), and the 2035 average vehicle corridor speed using Synchro and VISSIM traffic modeling and including the City's planned transportation projects from the Eastgate Transportation Study. The analysis concluded that that the rezone would result in almost no changes to the V/C LOS and LOS at the intersections compared to the baseline, and would not be expected to result in a degradation of service. With the rezone, the corridor speeds would be expected to see minor changes from the baseline speeds in several areas with the largest reduction on the northbound 148th Avenue SE corridor between SE 24th Street and SE Newport Way.

The pedestrian, bicycle, and transit modes of travel would have adequate facilities to serve the needs of the rezone within the study area, and the several planned projects in the area would serve to improve these modes of travel.

Based on this analysis, the rezone would not result in transportation impacts requiring mitigation considering the current development standards and planned improvements in

the vicinity of the project. Potential impacts and mitigation for any specific development proposed for the site will be determined based on the Transportation Impact Analysis that will be prepared at the time of development approval.

VI. State Environmental Policy Act (SEPA)

A non-project SEPA final threshold determination was previously issued for the site under the associated Comprehensive Plan Amendment, File number 12-127970-AC, on February 12, 2015 (Attachment 3). The CPA amended the Comprehensive Plan designation on the site from OLB to OLB/EG-TOD.

The Environmental Coordinator for the City of Bellevue determined at the time that the CPA would not result in any probable, significant adverse environmental impacts, and a Determination of Non-significance (DNS) was issued on February 12, 2015. The current rezone proposal is the same proposal previously evaluated; there is no new information, regulatory changes, or changes to the proposal that would require additional review of potential environmental impacts. Therefore, the SEPA determination of the CPA is being adopted by the Environmental Coordinator consistent with WAC 197-11-600(4)(a). A copy of the prior SEPA documentation is available for review in the project file. Project-level environmental review will be completed during the review of any redevelopment.

VII. Decision Criteria

A. Rezone Decision Criteria 20.30A

The Director may approve or approve with modifications an application for a Rezone if the decision criteria listed in LUC Section 20.30A.140 can be met.

1. The rezone is consistent with the Comprehensive Plan;

The site is located within the Eastgate Subarea described within the City's Comprehensive Plan.

Following is a summary of relevant Comprehensive Plan policies.

Land Use Element Policies:

LU-21. Support development of compact, livable and walkable mixed use centers in Bel Red, Eastgate, Factoria, Wilburton and Crossroads.

LU-28.1 Provide for a mix of housing, office, service and retail uses in a compact walkable development pattern that optimizes the benefits of transit investment in Bellevue's transit-oriented development areas.

LU-28.3 Ensure that transit-oriented land use and development is responsive to the type of transit facilities and services provided and the context of surrounding area.

Finding: The proposal is consistent with the Land Use Element Policies, including those listed above. The proposed rezone supports the City's Comprehensive Plan vision and Eastgate Subarea policies to concentrate growth in urban nodes adjacent to transit. The proposed rezone will help the City meet its growth and employment targets. The proposed rezone will provide an opportunity for transit-oriented development, including multifamily residential and housing development, consistent with the City's growth targets.

Eastgate Subarea Policies:

S-EG-1: Focus Eastgate growth into a mixed use center adjacent to the Eastgate Transit Center with greater height and intensity than the surrounding area.

S-EG-10: Multifamily housing may be appropriate to separate office and retail land uses from single-family neighborhoods or as a part of mixed use developments where there is close proximity to transit or neighborhood-serving commercial uses, with a special emphasis on meeting the housing needs of Bellevue College.

S-EG-38: Retain sufficient vegetation on the eastern side of the Sunset property to visually buffer Bellevue Community College.

S-EG-41: Rezone master planned areas in District 2 to be consistent with the underlying Land Use designation and implement the Eastgate Land Use and Transportation project vision when existing concomitant agreements affecting the site are renegotiated or repealed and upon approval of a new Master Development Plan.

Discussion: Large master planned projects in Eastgate are subject to Master Plan/ Design Review requirements and conditions associated with concomitant zoning agreements that may prevent implementation of zoning consistent with the Eastgate Land Use and Transportation Project vision. Portions of the Sunset Corporate campus, subject to concomitant agreement 14463 and the area generally associated with the I-90 Corporate Campus, subject to concomitant agreements 6015, 11390, and 33217 should only be rezoned when the existing concomitant agreements are renegotiated or repealed.

Finding: The proposal is consistent with the Eastgate Subarea Plan by encouraging redevelopment and revitalization of an existing site to allow for increased housing and focused growth adjacent to the Eastgate Transit Center and in close proximity to Bellevue College. The retention of trees within the southeastern area of the site in close proximity to Bellevue College will be preserved as part of the modified Native Growth Protection Easement. The clarification to and modification of the existing concomitant

agreements was envisioned when the CPA was adopted. See discussion in Section VIII for discussion of proposed modifications to the CZAs.

2. The rezone bears a substantial relation to the public health, safety, or welfare; and

Finding: The rezone proposal promotes the public health, safety, and welfare by building on the employment and office center success anticipated with future redevelopment of the Eastgate corridor. The proposal enhances the public health, safety, and welfare of the City by creating opportunities for residential development in the corridor, to add vibrancy to the area, provide housing in proximity to Bellevue College and places of work, benefit from existing transit service, and support nearby retail uses. Public health, safety, and welfare will be well-served by providing opportunities for increased residential development consistent with the City's growth targets, including the balance between housing and jobs, in urban areas that are served by transit service. Future development of the Property will be required to comply with the development standards for the EG-TOD land use district in place at the time of the development request.

The Applicant's request to remove, deem inapplicable, and/or clarify certain conditions in the CZA as they relate to the Property bears a substantial relation to the public health and welfare as well. Facilitating the appropriate development of the Property consistent with the City's vision for transit-oriented development in Eastgate will have a positive impact on public health and welfare. The public health benefits include enhanced walkability for residents to adjacent employment centers, and existing/future transit. The public welfare will be enhanced by the envisioned introduction of new housing stock in the City to meet growing residential demand, the addition of new housing to serve City institutions such as Bellevue College, and maximizing the efficient use of undeveloped land in an already-developed area. As discussed above, the potential creation of new multifamily residential housing in the City is consistent with and furthers the City's growth targets, including the balance between housing and jobs within transit-oriented districts in the City.

3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

Finding: This rezone is warranted because of a need for additional property in the proposed land use district classification and because the proposed zoning classification is appropriate for reasonable development of the subject property. In August 2015, the City Council amended the Comprehensive Plan designation and District Map to provide opportunities for residential development in the corridor, to add vibrancy to the area, provide housing in proximity to Bellevue College and places of work, and support nearby retail uses. Rezoning the Property to EG-TOD is consistent with GMA goals encouraging development in urban centers and the Comprehensive Plan's vision for this area.

The Applicant's request to remove, or deem inapplicable, certain conditions in the CZA is warranted to achieve consistency with the Comprehensive Plan. The land use designation of the Property is "OLB/EG-TOD," which indicates the City's determination of the appropriateness of the Property for transit-oriented development. Removing certain outdated and overly restrictive conditions will allow the Property to be developed in maximum consistency with its underlying TOD land use designation. The modification of the existing concomitant agreements was envisioned when the Comprehensive Plan Amendment was adopted.

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

Finding: Any development proposed under the EG-TOD zoning designation that complies with applicable EG-TOD development regulations, and critical areas regulations will be consistent and compatible with the surrounding uses. The rezone will provide an opportunity for redevelopment of this Property consistent with the EG-TOD designation and will allow for appropriate increased development intensity to meet demand for continued housing and TOD development. The Comprehensive Plan supports development within walking distance to transit as part of the City of Bellevue's overall vision.

The proposed rezone will not affect any existing onsite development of the surrounding parcels. The development requirements of the EG-TOD, and Critical Areas Overlay District will limit direct impacts to neighboring multifamily and office development.

The Applicant's request to remove, deem inapplicable, and/or clarify certain conditions in the CZA will not be materially detrimental to uses or property in the immediate vicinity of the Property. Developing the Property consistently with the EG-TOD regulations will have a positive impact on nearby uses including the existing office development, Bellevue College, and the transit center.

The rezone will not be materially detrimental to the surrounding uses and is consistent with the Eastgate Subarea. The rezone achieves many of the City's Comprehensive Plan goals and policies as described in this Staff Report.

5. The rezone has merit and value for the community as a whole.

Finding: The rezone will promote redevelopment and revitalization of an existing site and provide increased housing opportunities in close proximity to Bellevue College, and the Eastgate Transit Center. The rezone will provide an opportunity for increased housing stock and will help address the housing and jobs balance envisioned by the City's long-term planning.

VIII. Proposed Modifications to and Clarifications of Concomitant Zoning Agreements Associated with the Property.

The applicant proposes to amend, clarify, and/or modify certain provisions in the Concomitant Zoning Agreements (CZAs) associated with the Property as allowed as part of the Rezone process. LUC 20.30A.120.

As explained above, Ordinance 4010, rezoned an 82.36-acre area in the Eastgate area, including the Property, from R-10/C, R-30/C, and CB/C to OLB and R-10 with conditions (File No. REZ 88-2659). CZA 14633 (Attachment 5), dated June 6, 1989, was included as an attachment to Ordinance 4010. The CZA was subsequently amended on June 29, 1993 by CZA 19271 (Attachment 6) and November 11, 1995 by CZA 22416 (Attachment 7).

The applicant seeks clarification and/or modification to several CZA conditions for the Property. However, the CZA conditions will remain in place and in force for other properties located within the 82.35-acre area. The applicable conditions of the CZA's, proposed modifications, and staff recommendations are discussed below. Note, the CZA's express references to "the property" are the 82.36-acres of area at time of the original CZA, which includes but is not limited to the 7.2-acre Property that is the subject of this specific rezone application.

- 1. Condition #1. Development of office, ancillary retail, restaurant and other such uses on the OLB zoned portion of the site (the southern 44.67 acres of the property) shall not exceed 750,000 gross square feet and in no case shall the combination of uses on the OLB portion of the property generate peak p.m. trips exceeding the number of trips generated by 750,000 gross square feet of office space.**

Staff Recommendation: A review of the past issued permits demonstrate that Condition 1 has not been applied to residential development. The Sunset Ridge development, Phase III, permit number DRMAJ-90-554, made a clear distinction between office and ancillary uses and residential uses when discussing the 750,000 gross square footage limit. As stated on pages 18 and 19 of the staff report for the Phase III development:

"The proposed Phase II development (File No. CUDN-90-824) would locate 49 dwelling units in the OLB zone, as part of the upper south neighborhood. This proposal is not precluded by this condition as residential use is not 'office, ancillary retail, and other such uses.'"

City staff recognized and supports the prior staff conclusion that the 750,000 gross square foot limit is related to office and ancillary uses and does not preclude residential development.

As discussed in Section V.B, the applicant submitted a traffic analysis prepared by Transpo Group, dated February 5, 2020. For the purpose of the analysis, a 250-unit mid-rise multifamily project was assumed. The analysis concluded that the rezone would result in almost no changes to the V/C LOS and LOS at the intersections compared to the baseline, and would not be expected to result in a degradation of service. The analysis also concluded that “additional capacity would exist in the systems should trips increase.” No analysis of non-residential uses was provided. Any proposed development, including residential development, will be required to provide a project-based traffic analysis as part of the Design Review process.

Based on a review of prior staff decisions and the traffic analysis, staff recommends that the 750,000 gross square foot limitation in Condition 1 does not apply to multi-family development or uses ancillary to multi-family development on the Property. However, the 750,000 gross square foot limitation in Condition 1 will continue to apply to office, ancillary retail, restaurant and other such uses on the Property. See Section X (Concomitant Condition of Approval (CZA 14463, Condition #1)).

- 2. Condition #2. A master plan for the entire property shall be submitted for review and approval by the Director of Design and Development Department through the Design Review process with the first Design Review application for a development project. The master plan shall include:**
 - a. The alignment and the phasing (if any) of construction of the Sunset Connector and the east-west connection to Richards Road.**
 - b. The dimensions of, and the restrictions on development within, the perimeter landscape buffers.**
 - c. The location of major areas of retained vegetation between development areas. These areas should be connected to each other and to the perimeter buffer areas (wherever possible) to provide continuous open space through the site.**
 - d. The location of the park, recreation and day care facilities to be provided on site.**
 - e. The limits of all protected areas including wetlands, streams and 40 percent slopes on site.**
 - f. Disturbance limits.**
 - g. A phasing plan as described in paragraph #3.**
 - h. A composite utility service plan.**

Staff Recommendation: Staff views the master plan requirement as being satisfied under the prior Design Review of the first development project. Depending upon the proposed development project for the Property, a Master Development Plan may be required per LUC 20.25P.020.B.2. Design Review is required per LUC 20.25P.020.C. Staff recommends the removal of Condition #2 for the Property.

3. **Condition #3. Condition #3 was amended pursuant to CZA 22416 (adopted by Ordinance 4809 in 1995).**

A project phasing plan shall be submitted as part of a required master plan for the entire site with the first design review application. Design Review may occur in phases for all or part of the property.

If Applicant sells, assigns or transfers its interest in the residential element of the subject property, it will continue to assist the purchaser, assignee or transferee in development and approval of a binding site plan for development of the remaining residential units and will assist in design and marketing of such units, including affordable housing units. In the event the purchaser does not close the purchase assignment or transfer of any phase of the residential development, the Applicant will then either involve a low income housing developer to develop the remaining required affordable housing units or, at the request of the City, offer to sell to the City its remaining interest in such portion of the property for the construction of the then remaining required affordable housing units at the then-market rate for such property with such limitations on said property as may be imposed by the 1989 Concomitant Zoning Agreement as it may then exist, but at a price not less than the land cost and reasonably-attributable costs of development to that date. The City may assign its right under this provision.

Staff Recommendation: Design Review is required per LUC 20.25P.020.C. Staff recommends the removal of Condition #3 for the Property. For further discussion regarding the affordable housing language in CZA 22416 applicable to Phase II of the Sunset Ridge development, see the below analysis provided in this Staff Report in connection with Conditions #5, 6, 8, and 9.

4. **Condition #4. A Design Review, in lieu of a Planned Unit Development, shall be required for the R-10 zoned portion of the property to ensure compatibility with surrounding development. Consideration shall be given to the following elements: roof treatment, building colors and materials, siting of buildings, perimeter buffers and integration with the park and trails system. If the R-10 zoned portion of the property is developed in phases, the Design Review for the property may also be done in phases. (Comprehensive Plan Policy 21.G.115.A.1, 21.V.220 and 21.V.1.234-240)**

Staff Recommendation: No portion of the Property is, or proposed to be, within the R-10 zoning district. Design Review is required development within the EG-TOD zoning

district per LUC 20.25P.020.C. Staff recommends the removal of Condition #4 for the Property.

5. **Condition #5.** Condition #5 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993) and amended again pursuant to CZA 22416 (adopted by Ordinance 4809 in 1995), resulting in the creation of Amended Conditions #5(a), #5(b), and #5(c).

Amended Condition #5(a): Ten percent (10%) of the total number of housing units constructed in the project shall be “affordable” to moderate income households as that term is defined in the Bellevue Land Use Code or as the definition of that term is hereafter amended.

Amended Condition #5(b). An additional ten percent (10%) of the housing units constructed in the project shall be priced as median income affordable housing units. These units will be priced at 100 percent of median income, but may be priced at 105 percent of median income on submission of information acceptable to the City that development costs warrant the 105 percent pricing. The price of the median income affordable units shall be set at issuance of the building permit. The median income priced units shall not be subject to any limitation contained in LUC 20.20.128, including any requirement for resale restrictions, or to any administrative rule administered by the City to implement the provision of LUC 20.20.128.

Amended Condition #5(c). The applicant shall be required to provide 1, 2 and 3 bedroom housing units affordable to moderate and median income households in the same proportion that 1, 2, and 3 bedroom housing units are provided in the market rate units constructed in this project.

6. **Condition #6.** Condition #6 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993) and then deleted and replaced pursuant to CZA 22416 (adopted by Ordinance 4809 in 1995).

Replacement Condition #6: The provision for the requirement of 10 percent moderate income affordable housing and ten percent median income affordable housing shall be as follows: Of the seventy-one (7) housing units to be built in the first residential phase, ten percent must be moderate income affordable units and no median income affordable units are required. Provision of the remaining required moderate and median income affordable units (for a total of twenty percent of the total number of all housing units in the project) shall be in succeeding residential phases.

Staff Recommendation: “The project” referenced in CZA 22416 is the Sunset Ridge development. As discussed above, Phases I and III of “the project” were the Sunset Ridge commercial development phases, and Phase II of “the project” was the Sunset

Ridge multifamily residential development phase.

Specifically, Phase I of Sunset Ridge included the construction of two (2) office buildings totaling 311,400 SF and parking for 1,083 vehicles on 12.23 acres. Phase II of Sunset Ridge included the initial construction of seventy-one (71) housing units, as described in Ordinance 4809 and CZA 22416. This Phase II construction of 71 residential units is described in and conditioned by Replacement Condition #6. The additional residential construction undertaken by Phase II of “the project” included construction of two-hundred and thirty-nine (239) housing units on 42.14 acres. Phase III of the Sunset Ridge development included the development of three office buildings totaling 454,273 SF and parking for 1576 vehicles on 27.99 acres.

The Property is within the area subject to the affordable housing requirements in Condition #5(a)-(c) and Replacement Condition #6. However, the plain language of Conditions #5(a)-(c) and Replacement Condition #6 in CZA 22416 expressly refer to the “the project,” and based on this language, these Conditions apply to the Sunset Ridge development, which is “the project” identified in CZA 22416.

Of the seventy-one (71) housing units that were initially constructed in connection with the residential phase of Sunset Ridge, six (6) units remain affordable to this day. Other than the one (1) unit that is no longer affordable, this portion of the residential phase of “the project” satisfies the applicable language in Condition #5(a)-(c) and Replacement Condition #6.

With respect to the language in Condition #5(a)-(c) and Condition #6 that imposes an affordability requirement on the additional 239 housing units constructed in Phase II of the Sunset Ridge project, it does not appear that the City required any additional affordable units in connection with Phase II. The Department believes, based on its review of the prior land use approvals, the City did not require the Sunset Ridge development to provide additional affordable units due a change in the City’s affordable housing policy and regulations in 1996.

For example, former LUC 20.20.128.B.3, as adopted by Ordinance 4269 on July 12, 1991, required the following:

All rezone proposals for an increase in residential zoning density must provide that at least 10% of the units buildable under the original maximum density be affordable units and that at least 20% of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units.

This mandatory affordable housing requirement in former LUC 20.20.128.B.3 was in effect at the time CZA 22416 was adopted by Ordinance 4809, and the affordable housing requirements in Condition #5(a)-(c) and Replacement Condition #6 are consistent with the affordable housing requirements mandated by this prior version of LUC 20.20.128.B.3.

Nevertheless, pursuant to Ordinance 4855-C, former LUC 20.20.128.B.3 “terminated and ceased to exist” on August 5, 1996, except for projects with a vested application. In repealing former LUC 20.20.128.B.3, the City determined “that the requirements of [former] Section 20.20.128 have placed unacceptable burdens on builders of housing who would have to meet the requirements of this Section.” See Ordinance 4855-C. As memorialized in the City’s current affordable housing regulations, the affordable housing provisions in LUC 20.20.128 “are available, at the sole discretion of the property owner, as incentives to encourage the construction of affordable housing in new multifamily residential development.” LUC 20.20.128.B.

The City regulations that mandated the affordable housing requirements included in CZA 22416 changed in 1996, and the statutory language adopted by the City in 1996 remains the controlling affordable housing provisions in the LUC. In other words, the provisions in LUC 20.20.128.B that were adopted in 1996 are the same as the provisions that exist in LUC 20.20.128.B today. When applying those regulations to the Sunset Ridge development, the City did not require any additional affordable housing units prior to issuing construction permits for the additional 239 housing units constructed in Phase II of the Sunset Ridge project. It appears the City did not enforce Conditions #5(a)-(c) and Replacement Condition #6 based on the change in City policy and regulations that occurred in 1996 and remains in place to this day.

The Department does not recommend application of the affordable housing provisions included in CZA 22416 to the Property. First and foremost, CZA 22416 is clearly referring to the Sunset Ridge development project with respect to those affordable housing Conditions, and Sunset Ridge was completed many years ago. Therefore, and based on the plain language of the CZA, the affordable housing provisions in CZA 22416 were intended to apply to the specific Sunset Ridge project, not to the Property under consideration here.

Second, the City has not historically required the affordable housing discussed by CZA 22416 and the relevant Conditions. The Department believes the lack of enforcement of these Conditions on “the project” is based on the above-mentioned change in the City’s affordable housing regulations that occurred in 1996. Even if the affordable housing provisions in CZA 22416 could, arguably, be imposed on the Property instead of applying only to “the project” referenced in the CZA, application of the affordable housing provisions in the CZA to the Property would be inconsistent with past City practice interpreting and applying the provisions of CZA 22416 following the legislative change in 1996.

In sum, the Department recommends that Condition #5(a)-(c) and Replacement Condition #6 should not apply to the Property based on the plain language of CZA 22416, based on current land use regulations, and in order to provide consistency with past City practice in connection with the Sunset Ridge development project.

7. **Condition #7.** Condition #7 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993) and deleted pursuant to CZA 22416 (adopted by Ordinance 4809 in 1995).

Staff Recommendation: This Condition has been deleted and is no longer applicable.

8. **Condition #8.** Condition #8 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993).

Amended Condition #8: The affordable housing units provided pursuant to this agreement shall remain “affordable units” for the lifetime of the project. The provision for the total affordable units is required to occur on-site. The provisions of LUC 20.20.128.E; Alternative Compliance Methods shall not apply to this site.

9. **Condition #9.** Condition #9 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993).

Amended Condition #9: Before any building permit is issued, the Owners shall sign any necessary agreements with the City to implement the affordable housing requirements set forth in this agreement. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing Owners to obtain financing for development of the property, consistent with any applicable provision of the Land Use Code in effect at the time the permit(s) is issued; provided however, that the City shall effect said subordination in the event a Federal financing program is used and said program requires, by statute, rule or decisional law, such subordination as a condition for financing.

Staff Recommendation: Similar to the discussion above in connection with Condition #5(a)-(c) and Replacement Condition #6, “the project” referenced in CZA 19271 is the Sunset Ridge development. The City did not enforce Amended Condition #8 or Amended Condition #9 for all of the residential construction phases of the Sunset Ridge development based on the change in the City’s affordable housing regulations that occurred in 1996. The Department recommends that Amended Condition #8 and Amended Condition #9 should not apply to the Property based on the plain language of CZA 19271, based on current land use regulations, and in order to provide consistency with past City practice in connection with the Sunset Ridge development.

10. **Condition #10.** A childcare facility with space available for no less than 50 children will be provided prior to the completion of no more than 235,000 square feet of building on the OLB portion of the subject property. A childcare facility with space available for up to 30 additional children will be provided prior to completion of no more than 500,000 square feet of building on the OLB portion of the subject property, if the City determines that the first facility is operating at

capacity and the needs of the project for childcare facilities warrants an additional 30 slots. Need will be determined based on a review of waiting lists of other childcare facilities of comparable size which serve the same market areas as the project. Both facilities shall be located in close proximity to the outdoor play area or safe passage must be provided by way of a trail or pedestrian walkway, and provided further these facilities meet any licensing requirement imposed by law or regulation. (Comprehensive Plan Policies 21.5.140, .145 and .500)

Staff Recommendation: As long as the Bright Horizons childcare facility located at 13808 SE Eastgate Way or another childcare facility that satisfies Condition #10 is still in operation, this condition is met. The continued operation of the Bright Horizon childcare facility noted above supports a finding that Condition #10 should be removed for the Property.

- 11. Condition #11. Every effort shall be made to provide adequate incentives, such as reduced rent and space improvements, to ensure that the childcare facility is made available to a provider who operates with a sliding fee scale based on income. (Comprehensive Plan Objective 5, Policies 1 and 2)**

Staff Recommendation: See Staff Recommendation for Condition #10.

- 12. Condition #12: The childcare facility shall be located in a manner such that children using the facility can obtain access to an outdoor play area from the facility via a trail or other pedestrian walkway (Comprehensive Plan Policy 21.M.215, c-1(a)).**

Staff Recommendation: See Staff Recommendation for Condition #10.

- 13. Condition #13. A publicly accessible trail system shall be provided on the property. The trail system shall make connections from the eastern property line at Bellevue Community College to the Puget Power transmission line and SE 30th on the west; and from Kamber Road on the north to Eastgate Way on the south, with connections made to the Park and Ride lot. The trail system shall be consistent with the Development Standards current at the time of construction, and shall be constructed during the first phase of development. Dedication of easements shall coincide with the construction of the trails. (Comprehensive Plan, Parks and Recreation Element, Objective 1, Policy 7; Eastgate Subarea Plan; Parks, Open Space and Recreation Plan)**

Staff Recommendation: This condition is met. Staff recommends removal of this condition for the Property.

- 14. Condition #14. A neighborhood park of approximately five (5) acres shall be provided on the property. The park shall be centrally located and visually prominent from the north-south connector road. The park shall accommodate**

approximately two acres of open meadow, a children's play area, sport courts (tennis and outdoor basketball), benches and picnic facilities, all of which cannot be located in a wetland area. The exact combination of park features shall be determined during the Design Review process. The remainder of the park may include area left undisturbed in satisfaction of Sensitive Area Overlay District Requirements. The neighborhood park features shall be consistent with the Development Standards current at the time of construction, and shall be completed prior to construction of the no more than 500,000 gross square feet of office.

The Parks Department shall assume design, operation and maintenance responsibility for the project. The cost for design and construction shall be borne by the owners, and the owners may assume responsibility for construction of the park to Park Department specifications. The Parks Department shall be responsible for obtaining conditional use permits and other land use approvals required in order to develop the park space. Suitable land for park shall be provided by the applicant through an easement conveyed to the City for public use. (Comprehensive Plan, Parks and Recreation Element, Objective 2; Parks Plan)

Staff Recommendation: Condition #14 was met by the establishment of Sunset Mini Park. Staff recommends removal of this condition for the Property.

15. **Condition #15:** A 5,000 to 6,000 square foot fitness center shall be provided for public use on the property. The fitness center shall include an aerobics and exercise area, shower, locker and restroom support facilities. The center shall be located in the proximity of the neighborhood park, and designed with visual character that will be recognizable as a public recreation facility. Signage shall be consistent with the signage design for the office and/or residential development, and with the Parks Development Standards.

The fitness center shall be consistent with the Development Standards current at the time of construction, and shall be completed prior to construction of no more than 750,000 gross square feet of office. The center shall be available for public access and use, and maintained and operated by the Parks Department or a designee of the Parks Department. (Comprehensive Plan, Parks and Recreation Element, Objective 2, Policy 3; Parks Plan)

Staff Recommendation: As long as the fitness center established in the office building as part of the Sunset Ridge project is still in operation, Staff supports the conclusion that Condition #15 has been met and should be removed for the Property.

16. Condition #16 was amended pursuant to CZA 19271 (adopted by Ordinance 4541 in 1993).

Amended Condition #16. [Clause 1] The existing vegetation on the eastern property line shall be retained. [Clause 2] The width of the retention buffer on the R-10 portion of the property shall be no less than the requirement for transition to a single-family district current at the time of building permit application submittal. [Clause 3] The buffer shall be no less than 30 feet in width on the OLB portion and shall average 40 feet in width on the OLB portion of the property. [Clause 4] The stand of Douglas fir and Madrona trees on the southeast portion of the site shall be retained in a dimension at least 75 feet in width. [Clause 5] The limits of the buffer shall be determined with the master plan review. [Clause 6] A native growth protection easement shall be recorded for the buffer. Provided, however, that the Owner may seek approval of the Design and Development Department for construction and maintenance of an access road through the Native Growth Protection Easement and, provided further, that consideration of such approval shall require appropriate and effective means of abatement of noise, light and glare which could affect surrounding uses and property and, provided further, that in no event shall any such access road, except for required emergency access, connect with any thoroughfare on the property of Bellevue Community College. Such access will be allowed only if its design demonstrates protection and preservation of the treed skyline and if it adequately buffers the subject property from adjacent properties and uses.

Staff Recommendation: Clauses 1, and 2 of Amended Condition #16 do not apply to the Property. The Applicant proposes that Clause 3 of Condition #16 remain as a condition of zoning for the Property. A minimum buffer of 30 feet along the interior parcel boundary of the Property, abutting the adjacent parcel developed with residential use, is attainable. The 30-foot buffer is anticipated to be comprised of existing vegetation, additional plantings as necessary, and an egress path. Complementary to the 30-foot buffer envisioned on the Property, a buffer of approximately 65 feet, which is mostly or entirely vegetated, exists on the adjoining parcel between the nearest residential building and the lot line. Lastly, the average 40-foot buffer width on the Property required by Clause 3 of Condition #16 is readily attainable due to the existing vegetation on the portion of the Property that is anticipated to remain undeveloped. Therefore, the Department recommends that Clause #3 of Condition #16 should apply to the Property and be a condition of this rezone.

The applicant submitted a title report from the Chicago Title Report Company of Washington, dated August 30, 2019. The title report did not include any identifiable discussion of a recorded NGPE. After further reviewing existing documents that apply to the Property, the City located a depiction of the 75' buffer described as "75' Retention Setback for Madrona and Douglas Fir" on the Sunset Ride 1 Site Plan recorded as part of the review file of Sunset Ridge I. This buffer was not recorded as an NGPE and has

been significantly disturbed by construction activity since the Sunset Ridge I site plan was recorded. Subsequent decisions (Staff report Phase II Sunset Ridge Development) describe the Douglas fir and Madrona trees 75' buffer requirement as being satisfied by recording a Native Growth Protection Easement on the Sunset Ridge Development property located east of the Property. Additionally, Condition 18 was amended CZA 22416 to allow modification of the NGPE for an access road.

The applicant has demonstrated and that any future development will require several access roads for residents and emergency vehicles. None of these roads connect to Bellevue College. The applicant has proposed an NGPE in the Southeastern corner of the Property (See Attachment 8). Although the proposed NGPE is smaller than the original depiction in the Sunset Ridge I site plan, the proposed NGPE will nonetheless retain a significant number of Douglas Fir and Madrona trees consistent with the intent of the original CZA.

The site also contains multiple areas within the LUC Critical Areas Overlay District adopted in 2006. Any future development will be required to retain unmodified critical areas and buffers located on the site and record an NGPE as part of the Design Review process and any associated Critical Areas Land Use permit. These areas will be required to be recorded as NGPE's and it is anticipated that it will result in significantly larger NGPE's than the 75' buffer depicted on the Sunset Ridge I site plan. These NGPE's combined with the proposed NGPE will adequately preserve the treed skyline and buffer the Property from adjacent properties and uses.

In sum, the Department recommends Clauses 1 and 2 of Amended Condition #16 be removed from the property, but Clause 3 should remain as a condition of rezone for the Property. The Department further recommends that Clause 4, 5, and 6 of Condition #16 be modified as described above as these remaining clauses in Amended Condition #16 will be satisfied by the recording of the proposed NGPE (see Attachment 8 and Section X, Concomitant Condition of Approval (CZA 19271, Amended Condition 16)).

- 17. Condition #17. A natural buffer of a minimum of 30 feet in width, maintained and supplemented with evergreen plantings as needed to provide screening from Kamber Road, shall be provided on the north side of the property adjacent to Kamber Road. (Comprehensive Plan Policy 21.V.1.235)**

Staff Recommendation: This condition applies to areas outside the area of the Property and has no bearing on this rezone proposal. Staff recommends this condition be removed from the Property.

- 18. Condition #18. Where supplemental plantings are required throughout the site, the planting material shall include and emphasize the use of native plant material high in wildlife value. Plantings directly adjacent to the public right-of-way and**

within surface parking areas may utilize more formal plant material. (Comprehensive Plan Policies 21.D.200.B.2 and Q-82)

Staff Recommendation: The Applicant proposes that Condition #18 remain as a condition of zoning for the Property. Staff recommends this condition remain on the Property. See Section X (Concomitant Condition of Approval (CZA 14463, Condition #18)).

- 19. Condition #19. A roadway connector is required between S.E. Eastgate Way and Kamber Road (north/south connector). The alignment shall be approved by the Public Works, Storm and Surface Water Utility and Design and Development Departments prior to final roadway engineering plan submittal. Preliminary design sufficient to establish the vertical and horizontal alignments of the connector and dedication of right-of-way shall be completed prior to the issuance of building permits for this site. The connector or roadway shall be located within 60-foot wide right-of-way, and constructed to arterial standards as contained in the Development Standards current at the time of building permit application submittal. The phasing of completion of the north/south connector shall be determined at the initial design review.**

Staff Recommendation: Condition #19 was satisfied by the construction of 139th Avenue SE, which provides a north/south connection between SE Eastgate Way and Kamber Road. Staff recommends this condition be removed from the Property.

- 20. Condition #20 was deleted and replaced with the following Replacement Condition 20 pursuant to CZA 22416, adopted by Ordinance 4809 in 1995.**

Replacement Condition 20: The property owner shall construct a private, maintenance access road to the on-site storm water detention pond, which is located adjacent to SE 30th Street on the western edge of the site. The maintenance road will not be developed to public street standards and will be the minimum width necessary for the purpose of providing maintenance access. Location and construction specifications will be subject to approval of the City of Bellevue Transportation Department.

Staff Recommendation: Condition #20 was satisfied by the construction of the existing access road to the detention pond from 139th Avenue SE. Staff recommends this condition be removed from the Property.

IX. Recommendation of the Director

After conducting the various administrative reviews associated with this proposal, including but not limited to Land Use Code consistency, SEPA, City Code and Standard compliance reviews, and review of the prior land use approvals for the Sunset Ridge project, the Director of the Development Services Department does hereby **recommend approval with conditions** the Sunset North Lot 10 Rezone.

X. Conditions of Approval

The following conditions are imposed under the Bellevue City Code authority referenced:

1. Authority

Approval of this rezone does not constitute an approval of any Land Use Code amendments, Land Use Entitlement review, or any other ancillary permits that may be required for the design and construction of any proposed development on the rezone site.

AUTHORITY: LUC 20.30A.115
REVIEWER: Drew Folsom, Land Use

2. Concomitant Condition of Approval (CZA 14463, Condition #1):

As discussed above in Section VIII of this Staff Report, the 750,000 gross square foot limitation in Condition 1 does not apply to multi-family development or uses ancillary to multi-family development on the Property. However, the 750,000 gross square foot limitation in Condition 1 will continue to apply to office, ancillary retail, restaurant, and other such uses on the Property.

AUTHORITY: LUC 20.30A.155; CZA 19271, CZA 14463
REVIEWER: Drew Folsom, Land Use

3. Concomitant Condition of Approval (CZA 19271, Amended Condition #16):

As discussed above in Section VIII of this Staff Report, Clause 3 of Amended Condition #16 in CZA 19271 shall remain as a condition of zoning for the Property. The recording of a Native Growth Protection Area Easement that is consistent with Attachment 8 of this Staff Report will satisfy Clauses 4, 5, and 6 of Amended Condition #16 for the Property.

AUTHORITY: LUC 20.30A.155; CZA 19271
REVIEWER: Drew Folsom, Land Use

4. Concomitant Condition of Approval (CZA 14463, Condition #18):

As discussed above in Section VIII of this Staff Report, Condition #18 shall remain as a condition of zoning for the Property.

AUTHORITY: LUC 20.30A.155; CZA 14463
REVIEWER: Drew Folsom, Land Use

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6250

AN ORDINANCE adopting amendments to the Comprehensive Plan of the City of Bellevue and part of the Eastgate/I-90 Land Use and Transportation Project, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; amending the text, policies, and maps of Eastgate, Factoria, and Richards Valley subarea plans; and establishing an effective date.

WHEREAS, the City has undertaken a review and revision of the Comprehensive Plan as per Chapter 36.70A.130 (4) RCW, known as the Comprehensive Plan Major Update; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on no more than an annual basis as per Chapter 36.70A.130 (2) (a) RCW; and

WHEREAS, on October 25, 2010, the City Council initiated the Eastgate/I-90 Land Use and Transportation Project, for the purposes of developing and evaluating land use concepts to enhance the vitality of the I-90 corridor and identifying and evaluating appropriate multi-modal transportation measures to support those concepts; and

WHEREAS, the City has engaged in a multi-year planning process for the Eastgate/I-90 area that has included the work of the Eastgate Citizen Advisory Committee and the Planning Commission. This work resulted in updates to the Eastgate, Factoria, and Richards Valley subarea plans in volume 2 of the Comprehensive Plan; and

WHEREAS, the vision for the Eastgate/I-90 corridor is a thriving multi-use employment area and welcoming gateway into Bellevue that is walkable, bikable, and with a variety of retail uses to support and serve the nearby office and residential uses; a corridor that reflects the natural character of the Mountains to Sound Greenway; and of a transit-oriented development area that provides a focal point for corridor activity; and

WHEREAS, the Planning Commission held public meetings and a public hearing pursuant to legally-required notice on the proposed amendment to the Comprehensive Plan and has recommended approval to the City Council; and

WHEREAS, the City Council has considered and discussed the proposed amendment to the Comprehensive Plan; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Factoria Subarea Plan included as Attachment A to this ordinance and amending or adding text and policies to support multi-modal transportation, a mix of uses, the Mountains to Sound Greenway trail, and coherent corridor design consistent with the vision of the Eastgate Citizen Advisory Committee is hereby adopted.

Section 2. The Richards Valley Subarea Plan included as Attachment B to this ordinance and amending or adding text and policies to support transportation improvements and cohesive corridor design consistent with the vision of the Eastgate Citizen Advisory Committee is hereby adopted.

Section 3. The Eastgate Subarea Plan included as Attachment C to this ordinance and adding or amending text and policies to support multi-modal transportation, a mix of uses, a transit-oriented development area, environmental protection, cohesive corridor design, an integrated system of parks and open space, and coordination and partnership to implement the subarea plan consistent with the vision of the Eastgate Citizen Advisory Committee is hereby adopted.

Section 4. The Factoria Subarea map included as Attachment D to this ordinance and changing the designation of the property in the vicinity of the 3600 and 3700 blocks of Factoria Boulevard SE from General Commercial (GC) to Office Limited Business (OLB) is hereby adopted.

Section 5. The Richards Valley Subarea map included as Attachment E to this ordinance and changing the designation of the property at 13620 SE Eastgate Way from Light Industrial (LI) to Office Limited Business (OLB) is hereby adopted.

Section 6. The Eastgate Subarea map included as Attachment F to this ordinance and including the following amendments is hereby adopted:

- a) changing the designation of the property in the vicinity of 14634 through 14725 SE 36th Street from Single-Family Medium (SF-M) to Office (O);

- b) changing the designation of the unaddressed property in the vicinity east of 14725 SE 36th Street from Neighborhood Business (NB) to Neighborhood Mixed Use (NMU);
- c) changing the designation of the property in the vicinity of the 3700 block of 150th Avenue SE and the vicinity of the 15100 through 15300 blocks of SE 37th Street from Community Business (CB) to Neighborhood Mixed Use (NMU);
- d) changing the designation of the property in the vicinity of the 15300 through 15500 blocks of SE 37th Street from General Commercial (GC) to Neighborhood Mixed Use (NMU);
- e) changing the designation of the property at 3626 156th Avenue SE from General Commercial (GC) to Office Limited Business (OLB);
- f) changing the designation of the property at 3350 161st Avenue SE from Office (O) to Office Limited Business (OLB) is hereby adopted;
- g) changing the designation of the property in the vicinity of the 3200 and 3300 blocks of 148th Avenue SE and the 14600 and 14700 blocks of SE Eastgate Way from Office Limited Business (OLB) to Community Business (CB);
- h) changing the designation of the property in the vicinity of the 3300 block of 146th Place SE and the 14300 and 14400 blocks of SE Eastgate Way from Office Limited Business (OLB) to Eastgate Transit-Oriented Development (EG-TOD);
- i) changing the designation of the property at 3002 139th Avenue SE from Office Limited Business (OLB) to Eastgate Transit-Oriented Development (EG-TOD) or Office Limited Business (OLB);
- j) changing the designation of the property in the vicinity of the 3200 and 3300 blocks of 146th Place SE from Light Industrial (LI) to Eastgate Transit-Oriented Development (EG-TOD);
- k) changing the designation of the property at 2659 148th Avenue SE from Professional Office (PO) to Community Business (CB);
- l) changing the designation of the property at 2649 Landerholm Circle SE from Neighborhood Business (NB) to Community Business (CB).

Section 7. The City Council finds that public notice was provided for all 2015 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan

Section 8. The City Council finds that the Eastgate/I-90 amendments to the Comprehensive Plan satisfy the decision criteria contained in the Land Use Code (Part 20.30I).


ORIGINAL

Section 9. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Section 10. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this 3rd day of August, 2015, and signed in authentication of its passage this 3rd day of August, 2015.

(SEAL)

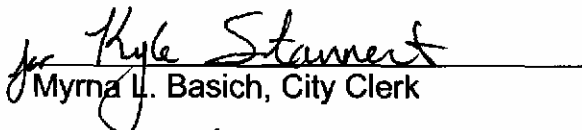

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Darcie Durr, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published: August 6, 2015

Factoria Subarea Plan

Goals:

1. To preserve and maintain a natural setting for our residential areas and to manage change in the commercial district to improve its cohesiveness, compatibility, and accessibility to Subarea residents.
2. To create a well-integrated, transit-supportive, pedestrian-oriented, mixed-use urban neighborhood in Factoria's commercial core (District 2).

Overview

Factoria is known for its residential neighborhoods, easy access to the freeways, and shopping at Factoria businesses. Current issues center around the redevelopment of the commercial district while protecting residential neighborhoods, addressing mobility, and improving pedestrian links between commercial and residential areas.

Even before its 1993 annexation, the city worked with Factoria residents and businesses to strengthen the community's transportation vision. Since then, a series of transportation studies and updates have embraced the integration of transportation and urban design to enhance the quality of life in this vital activity center.

~~This Subarea Plan recognizes that the latest study—~~The 2005 Factoria Area Transportation Study (FATS) Update sought to update the Subarea policy framework and list of associated transportation facility projects so as to achieve long-term mobility and safety for transportation system users. This approach challenges the existing suburban land use pattern because, while Factoria has a mix of land uses – housing, offices, retail and services – they are disconnected.

In 2012, the Eastgate/I-90 Land Use & Transportation Project (Eastgate/I-90 project) was completed. The study area boundaries of that project, which establishes a long-range vision for the I-90 corridor, includes portions of three subareas: Eastgate, Richards Valley, and Factoria. The Eastgate/I-90 project, in part, identified strategies to build upon the Factoria vision and address transportation chokepoints. The Eastgate/I-90 project is more fully discussed in the Eastgate Subarea plan.

This Subarea Plan also provides a framework for the 2002 Land Use Code amendments that direct redevelopment of the Factoria Mall so that it can accommodate a new, mixed-use focus. The FATS Update provided the necessary determination of transportation system adequacy to accommodate the Mall's expansion. For all of District 2 redevelopment, the Update also addresses the needs of all modes of transportation within the Subarea and provides design guidance for private sector redevelopment. This Subarea Plan also provides a framework for Land Use Code amendments that will implement the vision of the Eastgate/I-90 project. That vision includes increasing the mix of uses in north Factoria, emphasizing transit focus and an enhanced pedestrian environment along Factoria Boulevard, and including public amenities with new development

Redevelopment in Factoria will use the Eastgate/I-90 project and the FATS Update transportation and urban design strategies adapted into the Subarea Plan and in the East Bellevue Transportation Facilities Plan to create a well-integrated, transit-supportive, pedestrian-oriented, mixed-use urban neighborhood.

History

It is believed that Factoria was once part of the Duwamish Tribal Territory. Evidence of a village/habitation site exists at a location near Mercer Slough. The earliest English-speaking inhabitants of this area prior to 1900 occupied themselves with mining, logging, and farming. Edwin Richardson discovered coal in Newcastle in 1863 and prospectors formed the Lake Washington Coal Company which eventually became the Seattle Coal and Transportation Company.

During the 1890s, loggers cut large stands of timber on land now known as Woodridge Hill, Richards Valley, Greenwich Crest, Mockingbird Hill, Monthaven, Newport Shores, and the commercial area of Factoria. Somerset Hill forests remained intact for several decades. Logging continued to be important into the 1920s.

Apparently, around the turn of the 20th century, the area known as Mercer Landing was proposed as a port serving railroad and manufacturing plants.

This area, destined to become the town of Factoria, was promoted as an industrial center with coal smoke "belching from hundreds of smokestacks." Promoters expected at least 20 plants, in addition to the existing Factoria Stove and Range Co., to locate there. But some 15 years after the promoter's pitch, only the Factoria School had been built and the proposed industrial town of Factoria never got off the ground. The present day Factoria Mall is located on the original Factoria property.

Land use patterns evolved from early timberland, logging, and farming between the 1920s and 1950s to the current residential and commercial development.

Much of the area was planned and developed under the jurisdiction of King County.

Newport Shores and Somerset annexed into Bellevue during the 1960s and 1970s. The Factoria commercial area annexed in 1993.

Factoria is an area of about 2,100 acres bounded by I-90 on the north and Lake Washington on the west. The southern boundary forms an oblong crescent around Newport Hills. The Subarea contains just over 3,400 single-family dwelling units and about 1,300 multifamily units. There are 11 million square feet of commercial space, including offices employing over 7,500 people, making Factoria a busy urban area.

In District 1, (1,800 acres) there are about 71 acres of vacant land all of which is planned as single family use. Approximately 40 acres are classified as protected wetlands, as defined by the Bellevue Land Use Code (Section 20.50 044). In District 2 (282 acres), 6.7 acres remain vacant. Of those, 1.5 acres are planned for multifamily use, and 5.2 acres for office use.

The policies in the Factoria Subarea Plan guide the continued development and redevelopment of the Subarea. The Plan includes a section of design policies for the commercial area.

General Land Use

Policies

POLICY S-FA-1. Maintain land uses as depicted on the Land Use Plan.

POLICY S-FA-2. Protect single family neighborhoods from encroachment by more intense uses.

POLICY S-FA-3. Maintain land use densities that will not create vehicular congestion that exceeds adopted level of service standards.

POLICY S-FA-4. Encourage infill development and redevelopment in a manner that is compatible with surrounding uses and meets adopted design guidelines.

POLICY S-FA-5. Encourage any redevelopment to include parks, landscaping, and pedestrian access, and other pedestrian amenities.

POLICY S-FA-6. Retain the single-family land use designation on all school property.

POLICY S-FA-7. Restrict all future office expansion to districts shown on the Land Use Plan (Figure S-FA.1).

Critical Areas

In Factoria, as elsewhere, the city recognizes the importance of preserving the natural environment for wildlife habitat, stormwater management, as well as the aesthetic value to the community.

Controlling storm water runoff will help to prevent additional erosion of stream beds, downstream flooding and siltation. Specific areas of concern include the west side of Monthaven, Sunset Ravine, Mercer Slough, the Coal Creek watershed, and the siltation zone at its mouth.

Policies

POLICY S-FA-8. Protect and enhance the capability of Sunset Creek, Richards Creek, Coal Creek, and their tributaries to support fisheries and water related wildlife.

POLICY S-FA-9. Retain and enhance vegetation on steep slopes, within wetland areas, and along stream corridors in order to control erosion, reduce landslide hazard and to protect the natural drainage system.

POLICY S-FA-10. Encourage the use of a variety of site development options to conserve the natural land features in wetlands or steep slopes

Residential

Goal:

To increase housing opportunities in Factoria commercial areas.

Policies

The Community Business zoning along the east side of Factoria Boulevard allows for housing to be developed over ground-floor commercial uses. This represents an opportunity to increase the supply of housing without encroaching on existing residential areas. Both the Eastgate/I-90 project and the The FATS Update recommends mixing housing and commercial uses. Mixing these uses in the same building a-is a method to help reduce vehicle use.

POLICY S-FA-11. Encourage mixed-use residential, hotel use, and other commercial development within community level retail districts.

Parks, Recreation, and Open Space

Goal:

To encourage development of parks and open space linkages by using acquisition and dedication of existing public rights-of-way as shown on the Pedestrian and Bicycle Transportation Plan maps and the Parks and Open Space System Plan.

Policies

POLICY S-FA-12. Continue to acquire and develop parks, community facilities, and trail systems.

Transportation

Goals:

- 1. To enhance multi-modal mobility for Factoria residents, employees, and shoppers and for those traveling within and through the Factoria commercial area.**
- 2. To maintain and improve the appearance of arterial streets in the Subarea.**

Policies

General Transportation

Transportation planning was conducted in 1992 for the unincorporated Factoria area as part of the East Bellevue Transportation Study. After the area annexed to Bellevue in 1993, the City initiated a detailed study of the transportation infrastructure. The 1996 Factoria Area Transportation Study (FATS) report addressed existing conditions and deficiencies and

recommended projects to accommodate travel demand. A FATS Update, completed in 2005, addressed the needs of all modes of transportation within the area, and provided design guidance for private sector redevelopment. The FATS Update analysis was augmented by transportation analysis done in support of the 2012 Eastgate/I-90 Land Use and Transportation Plan.

Traffic modeling conducted for both the FATS Update and the Eastgate/I-90 project used a horizon year of 2030. Both sets of analysis traffic modeling for 2030 shows that most Factoria intersections will continue to function within adopted level of service standards. A few transportation system projects would help maintain long-term mobility, including enhancing transit service and improving intersection operations at Coal Creek Parkway/I-405, Factoria Boulevard/I-90, SE 36th Street/Factoria Boulevard, and SE 38th Street/Factoria Boulevard.

For the Factoria Subarea, the adopted vehicle level of service (LOS) is E+ (LOS E+ is characterized in the Comprehensive Plan as: Near capacity. Notable delays Low driver comfort. Difficulty of signal progression.) In the absence of transit service improvements, two intersections are projected to fall below the adopted LOS – Coal Creek Parkway at I-405, and Factoria Boulevard at I-90.

Aside from accommodating traffic, Factoria's arterials should be maintained with litter pickup, plant pruning, and street repairs. In addition, street improvements such as street trees, sidewalks, and other pedestrian amenities should be used to improve the arterial's appearance.

POLICY S-FA-13. Plan for the long-range transportation facility needs in the Factoria Subarea through an integrated, multi-modal transportation system.

POLICY S-FA-14. Implement the transportation and urban design recommendations of the Eastgate/I-90 project and the Factoria Area Transportation Study (FATS) Update.
~~transportation and urban design recommendations.~~

POLICY S-FA-15. Discourage traffic from office and retail commercial development from spilling over onto residential streets.

POLICY S-FA-16. Establish and implement a street tree plan and planting program for Factoria emphasizing arterial streets and buffering high intensity land use.

POLICY S-FA-17. Require new development and encourage existing development to plant and maintain street trees in accordance with a Factoria Subarea street tree plan.

POLICY S-FA-18. Provide and improve visual and pedestrian access to Sunset Creek, Richards Creek, Coal Creek, and Mercer Slough from pathways and access points.

POLICY S-FA-19. Encourage neighborhood groups to help with maintenance in coordination with City work crews.

Pedestrian and Bicycle

The Pedestrian and Bicycle Transportation Plan provides the guidance for improving the mobility and safety for everyone who uses the non-motorized transportation system, both the public system and the pathways that are on private property.

POLICY S-FA-20. Encourage the development of mid-block pedestrian connections.

POLICY S-FA-21. Provide a network of sidewalks, footpaths, and trails with interconnections to areas surrounding the Factoria Subarea to accommodate safe and convenient access to community facilities, retail areas, and public transit as well as to accommodate the exercise walker and hiker.

POLICY S-FA-22. Improve safety for bicyclists and other nonmotorized users by providing an integrated on-street and off-street system.

POLICY S-FA-23. Provide public access from Newport Shores to Newcastle Beach Park for bicycles and pedestrians only.

POLICY S-FA-X1. Develop the Mountains to Sound Greenway trail through the subarea to provide pleasant, safe, non-motorized facilities that provide local and regional connections.

Utilities

Policies

POLICY S-FA-24. Encourage the undergrounding of utility distribution lines in areas of new development and redevelopment.

POLICY S-FA-25. Provide screened and maintained space for storage and collection of recyclables in commercial and multi-family developments.

Planning District Guidelines

Policies

District 1

General Land Use

POLICY S-FA-26. Permit multifamily development west of Monthaven at densities designated on the Land Use Plan (Figure S-FA.1) provided that the multifamily development does not have primary vehicular access through the Monthaven neighborhood.

Community Design

The stand of trees along the ridge of the slope provides an important visual buffer for the residents of Monthaven. Multifamily development should provide a vegetative buffer that includes protection of existing significant trees between the multifamily use and single-family residences. The buffer should be augmented as necessary to provide sufficient screening.

POLICY S-FA-26.5. Retail auto sales are appropriate in OLB districts along SE 36th Street west of the ravine located at about 133rd Avenue SE and east of the Newport Corporate Campus located at 132nd Avenue SE.

POLICY S-FA-27. Provide landscape buffers between any multifamily development west of Monthaven and existing single-family residences.

District 2

POLICY S-FA-28. Establish design standards for the Factoria commercial area. District 2 is surrounded by other neighborhoods and serves as a commercial, employment and high-density residential activity center south of I-90.

~~Both the Eastgate/I-90 project and the FATS Update~~ recommends transportation and urban design strategies to create a well-integrated, transit supportive, pedestrian oriented, mixed-use neighborhood in Factoria's commercial core.

- Well-integrated: Factoria has a wide variety of land uses – employment, retail, single family and multi-family housing, schools – but in many cases these are separated by long distances, busy roads, and steep topography. Geographic separation discourages walking and transit use, as does an uncomfortable pedestrian environment. ~~The Eastgate/I-90 project and the FATS Update~~ recommends guidelines for private redevelopment and identifies public pedestrian projects that together will help to form a more cohesive Factoria neighborhood.
- Transit-supportive: Factoria has a high level of transit service and use. Transit use may increase if riders find it easy and comfortable to walk between transit stops and the buildings. As properties redevelop, ~~the FATS Update recommends locating these buildings should locate~~ closer to the street and providing direct pedestrian connections between the sidewalk and the primary building entrance.
- Pedestrian-oriented: The ability to walk-around comfortably within Factoria is essential to help create a neighborhood feel. Private site redevelopment that incorporates ~~Eastgate/I-90 project and the FATS~~-recommended design guidelines, combined with public sidewalk and street-crossing projects, will help make it easier to get around without a car.
- Mixed-use: Mixed-use structures are those that contain a number of different uses, stacked vertically. Adopted zoning allows for a mixing of uses across much of Factoria's commercial area. For instance, housing may be constructed atop retail uses. ~~Both the Eastgate/I-90 project and the FATS Update~~ encourage greater utilization of this mixed-use potential.

To help achieve the vibrant neighborhood envisioned for Factoria, ~~the FATS Update recommends implementing~~ policies that acknowledge the critical link between land use and transportation should be implemented. The community envisions a network of walkways and design elements connecting the retail uses to residential neighborhoods and other community activity centers.

General Land Use

In 2002, the City Council adopted a Land Use Code Amendment that allowed 51,000 square feet of new retail and 685 residential units on the Factoria Mall site, plus an additional 100,000 square feet of retail development, contingent upon a determination of adequate transportation system capacity through a FATS Update. The FATS Update provides the necessary determination of transportation system adequacy to accommodate the Mall expansion.

POLICY S-FA-29. Utilize vegetation, sensitive site planning and superior building design to integrate multifamily and commercial development with nearby single-family neighborhoods.

POLICY S-FA-30. Allow Factoria Mall redevelopment to include an additional 100,000 square feet of commercial space beyond that provided for in the 2002 Land Use Code Amendments, per the FATS Update.

POLICY S-FA-30.1. ~~Consider allowing~~ Encourage a pattern of office use office intensity up to 0.75 FAR in the area north of Factoria Mall that is visible from I-90 and contributes to a sense of placethrough application of design review, with particular emphasis on the area's contribution to Factoria's pedestrian environment and the area's "gateway" location to the Factoria commercial center.

POLICY S-FA-X-2. Encourage the development of a community retail node at the north end of Factoria Boulevard through mixed use zoning that supports pedestrian activity and transit service.

POLICY S-FA-X-3. Consider the use of a land use incentive system in office and mixed use areas that incentivizes provision of infrastructure and amenities that offer public benefits through the potential for additional floor area ratio (FAR) and height.

Park, Recreation, and Open Space

POLICY S-FA-31. Provide for open space and recreation needs of residents, workers, and shoppers.

POLICY S-FA-32. Create a series of open spaces and gathering places with visual and walking connections along Factoria Boulevard

POLICY S-FA-33. Orient open spaces to take advantage of sunshine and territorial views.

POLICY S-FA-34. Provide seating, weather protection, special paving, shade trees, and landscaping.

Utilities

POLICY S-FA-35. Minimize disruptive effects of utility construction on property owners, motorists, and pedestrians.

Critical Areas

POLICY S-FA-36. Minimize erosion damage on slopes to protect downslope properties and stream beds.

Transportation

Transportation recommendations in the Eastgate/I-90 project and the FATS Update emphasize multi-modal mobility to guide future public infrastructure investments.

POLICY S-FA-37. Encourage interjurisdictional cooperation among the City of Bellevue, the State, Metro, and Sound Transit on transportation concerns.

POLICY S-FA-38. Ensure that development is conditioned to satisfy future right-of-way, financing, and development standards as identified by the City of Bellevue.

Pedestrian and Bicycle

Pedestrian and bicycle system connectivity, as identified in the adopted Pedestrian and Bicycle Transportation Plan(1999), is interrupted by gaps in the planned system. Pedestrian access to transit, employment and retail/services is constrained by inadequate non-motorized facilities on public and private land. The Eastgate/I-90 project and the FATS Update identifies improvements to sidewalks, crosswalks, paths, and private walkways that will help fill gaps and increase accessibility.

POLICY S-FA-39. Enhance connectivity and accessibility for pedestrians and bicyclists throughout the Factoria area.

Transit

Improving transit facilities and services is important to help residents, shoppers, and employees get around Factoria without a car. Investments in transit, together with pedestrian amenities, will support Factoria livability and may reduce the long-term need to expand arterial capacity.

Amenities such as passenger shelters and trash receptacles create a more pleasant environment for transit riders. To serve increasing numbers of transit passengers over time, it may be necessary to enhance facilities. A recommended Factoria Station transit center on Factoria Boulevard near SE 38th Street would provide for convenient transit access and transfers for the many thousands of employees, residents, and shoppers within a mile of this site

Each day, regional buses pass by Factoria on I-90 and I-405 without providing service to Factoria. Transit freeway stations on I-90 and I-405 with pedestrian connections to the surface streets could capture this transit service for Factoria commuters.

POLICY S-FA-40. Coordinate with Metro to provide passenger shelters, where warranted, at bus stops on Factoria Boulevard.

POLICY S-FA-41. Work with Metro and adjacent property owners to develop a Factoria Station transit center at a location on Factoria Boulevard that is convenient to employees, residents and shoppers

POLICY S-FA-42. Work with Metro and Sound Transit to develop freeway stations on I-90 and I-405 to serve Factoria employees, residents and shoppers.

Roadways

A number of new projects were identified in the Eastgate/I-90 project and the FATS Update to improve traffic safety and traffic flow on arterials and to enhance access to the adjacent private parcels and to freeways. These recommended projects are catalogued and mapped in the East Bellevue Transportation Plan.

POLICY S-FA-43. Maintain the adopted vehicular level of service on Factoria arterials, utilizing ~~FATS Update recommended~~ roadway projects recommended by the Eastgate/I-90 project and the FATS Update.

Circulation and site access

Multiple driveways and limited connections between sites exacerbate vehicular congestion and conflicts with pedestrians. Each driveway onto an arterial creates a site for potential vehicular/pedestrian conflicts. From both a traffic safety and pedestrian safety standpoint, the fewer driveways along an arterial, the better.

Many parcels along Factoria Boulevard have more than one driveway. This pattern was developed when automobile mobility was considered one of the most important objectives. The resulting proliferation of driveways has resulted in just the opposite effect, congestion on the arterial that links all the businesses. With increased land development and better transit service, there are more pedestrians using the sidewalks. At each driveway, a motorist must watch for both pedestrians and other automobiles, but sometimes one or the other is missed, resulting in an accident.

The FATS Update recommends a long-term strategy to reduce the number of driveways and to enhance circulation along the commercial corridor. This strategy involves two parts: consolidating driveway access points; and providing greater circulation between parcels.

As redevelopment occurs, or as city projects improve adjacent arterials, a parcel with multiple driveway would be required to consolidate access points. Further, when opportunities arise, the city could encourage adjacent property owners to combine and share driveways. An important part of this strategy involves creating off-street connections between parcels so that a customer, whether in a vehicle or on foot, could move along the corridor to patronize different businesses, without having to enter the arterial. Driveway design that incorporates traffic calming would keep arterial bypass traffic to a minimum and create a pleasant pedestrian environment.

POLICY S-FA-44. Consolidate curb cuts/driveways as redevelopment occurs or when public arterial improvements are planned.

POLICY S-FA-45. Encourage adjacent parcels to develop shared driveways to reduce the overall numbers of driveways along the arterial.

POLICY S-FA-46. Provide non-arterial pedestrian and vehicular circulation both between and within commercial parcels.

Boulevards

Factoria Boulevard is designated as a "Boulevard" in the Urban Design Element. Both within the right-of-way and on adjacent private development, a boulevard incorporates design features such as gateways, street trees, colorful plantings, landscaped medians, special lighting, separated and wider sidewalks, prominent crosswalk paving, seating, special signs, and public art.

POLICY S-FA-47. Establish Factoria Boulevard arterial streetscape standards for tree planting, pedestrian lighting, sidewalks, crosswalks, and other urban design elements to be applied when private property redevelops or public projects are implemented

Gateways

Visitors arriving at Factoria use three major routes: south on Factoria Boulevard at I-90, north on Factoria Boulevard at Coal Creek Parkway, or north on 124th Ave SE. at Coal Creek Parkway. Gateway designs for these entry points into Factoria should be provided to mark the transition into this special neighborhood and reinforce the Factoria identity. Street tree plantings; pedestrian scale lights, public art, district identification signs and banner poles; landmark features and wayfinding devices; and building placement should be considered at each of these "gateways". A gateway can be dramatic and obvious, sometimes including non-commercial signs, art, structures, and unique lighting. It can also be subtle, using signs, a change in plant material or paving surface.

POLICY S-FA-48. Establish gateway design standards and guidelines to create a welcoming experience for pedestrians and motorists at the Factoria entry points on Factoria Boulevard. Apply these standards when private property redevelops and when public projects are implemented.

POLICY S-FA-49. In partnership with adjacent property owners, take incremental steps to create mixed-use gateways and urban focal points at the following intersections along Factoria Boulevard:

- SE 37th Place / ~~Loehmann's Plaza~~ Factoria Village entrance;
- SE 38th Street;
- SE 40th Lane / Factoria Mall entrance; and
- SE 41st Place

Incorporate infrastructure improvements and implement design guidelines that will enhance pedestrian crossings (respecting the significant traffic volumes and multiple turning movements at these intersections), improve transit amenities, and develop an active building frontage along Factoria Boulevard with direct pedestrian routes to retail storefronts from the public sidewalk and weather protection for pedestrians.

Community Design- I-90 Corridor

POLICY S-FA-X-4. Apply design review for commercial, office, and mixed use development that promote pedestrian-friendly design, ensure quality and a sense of permanence, promote environmental sustainability, and create a distinct sense of place.

POLICY S-FA-X-5. Reinforce a sense of place that reflects the area's location on the Mountains to Sound Greenway and emphasizes the emerging urban character of the Eastgate I-90 corridor by encouraging building and site design that includes visibly recognizable natural features such as green walls, façade treatments, green roofs, and abundant natural landscaping.

POLICY S-FA-X-6. Promote the feeling of a city in a park through development regulations that retain wooded greenbelts to provide a green backdrop for office and commercial uses and naturally buffer less intense development

Community Design – Factoria Boulevard

In 2002, the City Council adopted zoning and design guidelines specifically applicable to redevelopment of the Factoria Mall site. This is the F-1 zoning district, where the Factoria TownSquare Design Guidelines are applicable. The Eastgate/I-90 project and the FATS Update recognizes that many components of these guidelines are also applicable to the commercial corridor along Factoria Boulevard.

The F-1 design guidelines are intended to achieve for the Factoria Mall site what the Eastgate/I-90 project and the FATS Update recommends for the Factoria Boulevard commercial corridor – that is, a mix of transportation and land use projects that create a more walkable urban environment.

Implementing F-1 urban design guidelines on the Factoria Mall site and the Eastgate/I-90 LUTP and the FATS Update specific guidelines elsewhere on the Factoria Boulevard commercial corridor, would transform the corridor from an auto-oriented strip to a commercial corridor that has a greater orientation toward pedestrians

To supplement the Urban Design Element of the Comprehensive Plan, and the guidelines of the Community Retail Design District, specific urban design guidance for redevelopment of Community Business-zoned properties along Factoria Boulevard should include the following key elements:

- Building placement
- Parking location
- Pedestrian environment

POLICY S-FA-50. Develop and implement design guidelines, to supplement the Community Retail Design District guidelines applicable to new development and redevelopment on commercial sites along Factoria Boulevard.

Building Placement

To create a walkable environment in an urban, commercial setting, the relationships *between the buildings and the public sidewalks deserve considerable attention.* In such an environment, buildings are located close to or adjacent to the right-of-way, and they are designed to invite pedestrians to the front door.

Factoria Boulevard's walkability is currently challenged by a land use pattern that generally favors automobiles over pedestrians. In Factoria, many buildings are situated at the rear of

the lot. Seldom can one walk directly from the sidewalk to the building entry without encountering moving vehicles, a maze of parked cars, high curbs, and overgrown vegetation. Since everyone is a pedestrian at some point in their journey to a store's front door, it is both good public policy and good business, to make the front door accessible to all.

In the Community Business zoning area, Land Use Code regulations require no minimum front-yard setback, and the F-1 zoning calls for a minimum 15-foot setback from the right-of-way along Factoria Boulevard. To facilitate pedestrian activity, the city could establish a maximum building setback along Factoria Boulevard for the Community Business zoning designation. Site design should include an accessible walkway to a weather-protected main entrance, and parking that is located on the side or rear of the building, or perhaps underneath it.

POLICY S-FA-51. Consider establishing a maximum building setback from the right-of-way for structures along the Factoria Boulevard commercial corridor.

POLICY S-FA-52. Allow buildings to abut the Factoria Boulevard public right-of-way, so long as there is adequate space for the arterial sidewalks.

POLICY S-FA-53. Provide building-mounted weather protection for pedestrians

POLICY S-FA-54. Provide prominent, easily identifiable pedestrian entries to individual storefront businesses.

POLICY S-FA-55. Incorporate high quality and pedestrian-scaled materials on building facades along public sidewalks and interior walkways.

Parking Location

The FATS Update recommends site planning that locates parking either behind the building or on the side of the building. If parking is located behind the building, then a driveway with directional signage would be incorporated into the site plan. If parking is located on the side of building, and thus adjacent to the sidewalk, then a visual screen/physical barrier between the parking lot and the sidewalk is appropriate.

As walking and transit use grow, and an increasing number of customers arrive to businesses on foot, it may be possible to reduce the amount of parking required.

The FATS Update recommends studying reducing the minimum parking requirement if the site is adjacent to transit service and if the development includes amenities that foster transit use and pedestrian activity.

POLICY S-FA-56. Locate and design buildings and parking such that there is a direct pedestrian connection between the public sidewalk and the primary building entrance.

POLICY S-FA-57. Explore providing incentives to developers on the Factoria Boulevard commercial corridor to build underground parking that would enhance the pedestrian orientation of a site.

POLICY S-FA-58. Use shared parking and provide accessible pedestrian linkages across adjacent sites.

POLICY S-FA-59. Design surface parking lots so that they are not located between the building entrance and the public sidewalk along Factoria Boulevard, unless there is a direct accessible pedestrian connection through the parking lot.

Pedestrian Environment

Sidewalk design should include a “buffer zone” along the curb that consists of items such as street trees, planting strips, kiosks, street furniture, pedestrian scale lights or signage. This buffer zone separates moving cars from pedestrians. Along the sidewalks, pedestrian scale/style lighting should augment the high intensity lights that illuminate the street for traffic.

Curbside parking should be provided where possible. While this is not a solution for Factoria Boulevard, pedestrians on other adjacent streets would benefit from this parking configuration.

Sidewalk width should be proportionate to anticipated pedestrian flows, which means that sidewalk should be wider than the standard at transit service points

A pedestrian-oriented business district can be created when open spaces are incorporated into the site design. Public plazas invite relaxation, informal gatherings, and provide visual contrast to the buildings. Wide sidewalks provide for outdoor seating areas adjacent to restaurants and cafes and increase opportunities for business activity when the weather is nice. Whether as an expansion of the sidewalk or a plaza that extends away from the street, partial enclosure by buildings, landscaping, and/or street furniture will create comfortable public places. These spaces may be large and elaborate, or small and discrete. The design of a plaza should include good pedestrian circulation and active ground floor uses in the adjacent buildings. Buildings should provide weather protection using storefront awnings

POLICY S-FA-60. Establish design guidelines to create plazas and other quasipublic spaces when private properties along Factoria Boulevard redevelop to allow space for outside activities including café seating.

POLICY S-FA-61. Provide pedestrian – scale lighting along Factoria Boulevard sidewalks and along on-site walkways.

POLICY S-FA-62. Provide sidewalks along Factoria Boulevard that in places may be wider than the City's standard 12-foot wide arterial sidewalk to comfortably accommodate pedestrians adjacent to this busy arterial, especially near transit stops.

POLICY S-FA-63. Enhance pedestrian amenities along 124th Avenue S.E., 128th Avenue S.E., S.E. 38th Street, and S.E. 41st Street.

POLICY S-FA-64. Encourage the coordination of amenities and development of bike racks and pedestrian shelters in key locations.

POLICY S-FA-65. Encourage the use of landscaping that will serve as physical and visual buffers between pedestrians and parking areas.

The details of pedestrian infrastructure can often make or break a neighborhood's walkability. ~~The FATS Update provides general guidance for creating a pedestrian system that works for everyone.~~ To minimize street crossing distances for pedestrians, curb bulbs could be installed where pedestrian flows warrant and traffic patterns allow. Crosswalks at controlled intersections could be constructed with special pavement to highlight the area as a pedestrian zone.

At certain intersections where high volumes of pedestrians and vehicles converge, the installation of countdown signals can provide some measure of certainty for pedestrians wary of a signal that they think may change too fast.

In some locations, crosswalk enhancements and pedestrian activity may not be compatible with a roadway's primary mission to move vehicles. In this situation, a grade-separated pedestrian crossing may be warranted. A decision to build a pedestrian bridge or tunnel should consider factors such as topography; accidents; volumes of pedestrians and vehicles; safety for pedestrians; origins and destinations; opportunities to create an urban focal point or gateway; and/or opportunities for partnerships between the city, adjacent property owners, and transit agencies.

The design of a pedestrian bridge should be both distinctive and graceful, providing convenient pedestrian access while enhancing the streetscape. Design components of a pedestrian bridge should include visible and easily accessible connections with the sidewalks, and architectural characteristics that are perceived as part of the public right-of-way and are distinct from adjacent buildings. Weather protection is desirable but should not isolate pedestrians from the right-of-way below.

A comprehensive graphic system of information and wayfinding can help residents and visitors alike get around in Factoria without a car. Wayfinding signage can be implemented by the city on public land, and by private developers with large sites (Factoria Mall, Leehmann's Plaza Factoria Village). A Factoria walking map could show the major access points to neighborhoods, regional trails, and transit service, as well as the shortest way on foot to a bus stop or to a favorite restaurant.

POLICY S-FA-66. Enhance pedestrian crossings of Factoria Boulevard and other Factoria area arterials, considering such methods as: installing special paving types or markings; providing longer pedestrian signal phases; extending curbs; installing countdown signals; or providing pedestrian refuge islands.

POLICY S-FA-67. A pedestrian bridge may be appropriate over Factoria Boulevard at SE 38th Street, provided there is a clear demonstration of public benefit and design criteria are fully met.

POLICY S-FA-68. Develop and implement a wayfinding system to guide pedestrians to attractions in the Factoria area.

Richards Valley Subarea Plan

Goal:

To maintain the Subarea as a green and wooded place that provides a complementary mixture of living and working opportunities.

Discussion. The Richards Valley Subarea consists of three distinct districts. West of I-405 is heavily vegetated and is developed with a variety of uses – parkland, light industrial, and multifamily. Woodridge Hill is largely residential with a mixture of single-family and multifamily units. East of Woodridge Hill development includes a wide variety of uses – residential, park, warehousing, and extensive retail. Although the community recognizes the need for maintaining working opportunities in the Subarea, they want to ensure that the quality of the residential community and natural features (especially dense vegetation and wooded vistas) remain at a high level.

Overview

According to most sources, Richards Valley was once part of the Duwamish Tribal Territory. Evidence shows a village/habitation site located on or near Mercer Slough.

The earliest English speaking inhabitants of this area prior to 1900 occupied themselves with mining, logging, and farming.

During the 1890s loggers cut large stands of timber on land now known as Woodridge Hill and Richards Valley and into the Factoria area. Logging continued to be important into the 1920s. The railroad trestle built in 1904 serves as an important Richards Valley Subarea landmark.

Land use patterns evolved from early timberland, logging, and farming between the 1920s and 1950s to the current settlements of residential and commercial development.

Woodridge Hill and Richards

Valley were annexed into Bellevue during the 1960s and 1970s.

Richards Valley, an area of 1,153 acres, forms an oval beginning with I-405 and the Lake Hills Connector to the north, 132nd Avenue S.E. on the east, Mercer Slough on the west and Richards Road and I-405 converging at I-90 to the south. Of the 1,754 housing units in the Subarea 1,022 (58 percent) are single-family units and 732 (42 percent) are multifamily units. The residential population of Richards Valley is 4,200.

~~Of the 1.5 million square feet of non-residential uses in Richards Valley, half is industrial, about a quarter is office, and a fifth is institutional and governmental. Of Bellevue's subareas, only three have land planned for light industrial uses: Bel-Red, North Bellevue, and Richards Valley. Richards Valley has about 120 acres of light industrial land compared to North Bellevue with about 20 acres and Bel-Red with about 400 acres.~~

~~Richards Valley has about 140 acres of land planned for office use compared to Eastgate with 246 and Wilburton with 225.~~

~~Approximately 2,500 people work in Richards Valley. The residential population is 4,200.~~

Richards Valley is known for the views from Woodridge Hill and the wooded areas and wetlands in the valley. This plan focuses on protection of the treasured natural features in the face of continued development of residential, office, and light industrial uses.

For instance, the community wants to maintain and preserve single-family neighborhoods as the primary use especially on Woodridge Hill and Woodmoor. A mix of light industrial and additional residential uses is appropriate in the lower elevations of the valley.

In 1987 the City Council adopted the Sensitive Area Requirements to protect sensitive areas in Bellevue. As a result the open use land use designation became obsolete and during the Subarea plan review process the Citizens Advisory Committee redesignated some 115 acres of open use land for residential or commercial uses.

Of the 1.5 million square feet of non-residential uses in Richards Valley, half is industrial, about a quarter is office, and a fifth is institutional and governmental. Approximately 2,500 people work in Richards Valley. Historically, three of Bellevue's subareas have had land planned for light industrial uses: Bel-Red, North Bellevue, and Richards Valley. However, with the rezoning of the Bel-Red area in 2009, only two subareas now have industrial zoned lands: Richards Valley with about 110 acres, and North Bellevue with about 20 acres.

The Richards Valley industrial area has easy access to the freeway. It is home to a wide range of businesses and other significant uses or features including a solid waste transfer station and electrical substation. Lack of internal street connectivity and the number of drainage corridors, streams, and wetlands pose challenges to redevelopment. However, the abundance of natural features and critical areas also provide opportunities for environmental enhancement over time.

In 2012, the Eastgate/I-90 Land Use & Transportation Project (Eastgate/I-90 project) was completed. The study area boundary for that project, which establishes a long-range vision for the I-90 corridor, includes the industrial portion of the Richards Valley subarea. The Eastgate/I-90 project, in part, identified strategies that not only ensure the continued existence of the Richards Valley industrial area, but also encourage higher intensity flex-tech/research and development uses and stream and vegetation corridor enhancements. The Eastgate/I-90 project is more fully discussed in the Eastgate Subarea plan.

Land uses in the Subarea are indicated on the Land Use Plan Map (*Figure S-RV.1*).

General Land Use

Policies

~~**POLICY S-RV-1.** Ensure that development and site planning comply with the Sensitive Area Regulations.~~

~~POLICY S-RV-2. Encourage land uses and site development that minimize the appearance of intense development.~~

~~POLICY S-RV-3. Encourage commercial areas to develop with sensitivity to their surroundings.~~

Enhance the natural environment within the industrial area by encouraging redevelopment to consider natural features in site design, including but not limited to reducing impervious surfaces, improving the functions of wetlands and stream corridors, incorporating natural drainage features, retaining trees, and restoring vegetated corridors.

~~Discussion: Richards Valley is recognized as an employment center and additional commercial development is encouraged in properly designated areas. Commercial development is appropriate if it doesn't degrade the environment and if traffic mitigation addresses traffic congestion and safety problems.~~

~~POLICY S-RV-4. Do not allow a~~Auto sales, auto rental, and auto leasing uses ~~are not appropriate on the parcels in the Light Industrial District that are along the following streets: 118th Avenue S.E., Richards Road, and S.E. 26th.~~

POLICY S-RV-X-1. Consider the use of a land use incentive system in the Office Limited Business area that incentivizes provision of infrastructure and amenities that offer public benefits through the potential for additional floor area ratio (FAR) and height.

POLICY S-RV-5. Allow recreation and community uses in and on school sites which may be closed in the future.

Discussion: When determining the appropriate intensity of activity, consider the previous use of the school and the ability of nearby streets to accept additional traffic. When applicable, the community can participate in the conditional use process in deciding appropriate uses on closed school sites.

Natural Determinants

Policies

POLICY S-RV-6. Retain the remaining wetlands within the 100-year floodplain along Richards Creek, Kelsey Creek, and Mercer Slough for drainage retention and natural resource park use.

Discussion: It is important to preserve the natural environment and to retain the native habitat for the aesthetic value and character of the community.

POLICY S-RV-7. Protect and enhance the capability of Richards Creek, Kelsey Creek, and Mercer Slough and their tributaries to support fisheries along with other water-related wildlife.

POLICY S-RV-8. Retain and enhance existing vegetation on steep slopes, within wetland areas, and along stream corridors to control erosion and landslide hazard potential and to protect the natural drainage system.

Residential

Policies

POLICY S-RV-9. Encourage a variety of different densities and housing types in residential areas to accommodate social and economic lifestyles changes as well as the different stages of life.

Discussion. If moderate or low-income multifamily units are constructed in the Subarea, the sites should be dispersed rather than concentrated in one development

Parks and Recreation

Policies

POLICY S-RV-10. Encourage the City to purchase land for parks and open space when it becomes available.

POLICY S-RV-11. Protect and preserve publicly owned land.

Discussion. This policy refers to land set aside for storm drainage and detention, the right-of-way along the Lake Hills Connector, and potential links in the trail and park system. An efficient way to accomplish this is for the City to purchase properties or parts of properties protected by the City's Sensitive Area Regulations.

Transportation

Policies

POLICY S-RV-12. Develop a safe integrated on and off-street nonmotorized system emphasizing connections to schools, parks, transit, and other parts of Bellevue.

Discussion: Richards Valley needs many nonmotorized improvements. These include better access to the schools, parks, and transit service. Because of its central location to other parts of Bellevue (such as Downtown, and the Kelsey Creek and Mercer Slough Parks), it is important for the off-street trail system to connect safely to the on-street facilities.

POLICY S-RV-13. Provide better pedestrian access and views of Richards Creek, Kelsey Creek, and Mercer Slough.

Discussion: While pedestrian and visual access is important, it should be balanced with the need to develop sites sensitively and in accordance with Sensitive Area Regulations.

POLICY S-RV-14. Promote development of a nature trail between the Lake Hills Connector and Kamber Road near Richards Creek.

Discussion: The nature trail should provide the public with views and walking opportunities in this unique and fragile area. The trail should be compatible with the environmentally sensitive areas along the creek.

POLICY S-RV-15. Consider interim solutions for nonmotorized improvements until major improvements can be made.

Discussion: Use the City's Overlay Program, Minor Capital Projects Fund, Neighborhood Enhancement monies, or other sources to provide interim solutions when practical. When appropriate, consider constructing sidewalks on only one side of the street

POLICY S-RV-16. Encourage improved Metro transit service to and from key points in the Richards Valley Subarea.

Discussion: Metro should provide better transit service in the Richards Road corridor to Bellevue Community College, Eastgate, Factoria, the downtowns of Bellevue and Seattle, and the University of Washington.

POLICY S-RV-17. Plan for the long-range traffic related facility needs in the Richards Valley Subarea including designated arterial, feeder (collector), and residential streets.

Discussion. The East Bellevue Transportation Study will include an evaluation of Richards Valley's arterial facility needs on Richards Road including the impacts of new development on the transportation system.

POLICY S-RV-18. Minimize access to the Lake Hills Connector when considering new development near the Connector.

POLICY S-RV-X-2. Enhance the pedestrian and bicycle environment along Eastgate Way by constructing sidewalks, bike lanes, and other features to improve safety

Utilities

Policies

POLICY S-RV-19. Encourage the combination of utility and transportation rights-of way in common corridors and coordinate utility construction with planned street and bike lane improvements which could result in a more efficient allocation of funds.

POLICY S-RV-20. Use common corridors for new utilities if needed.

Discussion: If new power lines are needed in the Subarea, they should be developed in areas that already contain power lines, rather than causing visual impacts in new areas.

POLICY S-RV-21. Improve the appearance of public streets and power line rights-of-way.

POLICY S-RV-22. Encourage the undergrounding of utility distribution lines.

Community Design

Policies

POLICY S-RV-X-3. Apply design review in the Office Limited Business area that promotes pedestrian-friendly design, ensure quality and a sense of permanence, promote environmental sustainability, and create a distinct sense of place.

POLICY S-RV-X-4. Reinforce a sense of place that reflects the area's location on the Mountains to Sound Greenway and emphasizes the emerging urban character of the Eastgate I-90 corridor by encouraging building and site design that includes visibly recognizable natural features such as green walls, façade treatments, green roofs, and abundant natural landscaping.

POLICY S-RV-X-5. Promote the feeling of a city in a park through development regulations that retain wooded greenbelts to provide a green backdrop for office and industrial uses and naturally buffer less intense development.

POLICY S-RV-23. Disturb as little of the natural character as possible when improving streets and arterials.

Discussion: The Lake Hills Connector is an example of using natural vegetation along the street frontage and in the median.

POLICY S-RV-24. Encourage the retention and enhancement of special features ~~designated by the Urban Design Element~~ such as unique open spaces, landmarks, and viewpoints.

Discussion: In Richards Valley the stream and wetlands qualify as unique open space, the railroad trestle as a landmark and the view from Woodridge School grounds as a designated viewpoint.

POLICY S-RV-25. Encourage the retention of vegetation during the clearing, grading, and construction processes to screen development from nearby residential neighborhoods.

POLICY S-RV-26. Require design review for areas along Richards Road in order to ensure that site and building design of commercial and multifamily uses in the valley are in character with the nearby single-family neighborhoods.

Discussion: Commercial and multifamily development should be screened to provide a visual separation from the road. If development cannot be screened, building height, bulk, color, and roofline design should be compatible with the development allowed in the nearby single-family community. Use design review to accomplish this.

In addition, use the Richards Creek Sensitive Area as an amenity when designing sites.

POLICY S-RV-27. Development along Richards Road should preserve and maintain the green and wooded character of the Richards Road corridor.

POLICY S-RV-28. New development, including single-family development, should install landscaping which provides a dense visual vegetative screen along Richards Road. The planting should be an amenity to those who travel, live, and work along Richards Road.

POLICY S-RV-29. Encourage the site and building design of commercial and multifamily use on Woodridge Hill to be in character with the nearby single-family neighborhood.

Discussion. Building height, bulk, color, and roofline design should be compatible with the development allowed in the nearby single-family community. Use design review to accomplish this.

POLICY S-RV-30. Develop areas designated for light industrial uses with sensitivity to the natural constraints of the sites.

POLICY S-RV-31. Encourage screening of rooftop machinery from view at ground level.

Eastgate Subarea Plan

Goal:

To preserve and promote the accessibility and appearance of residential neighborhoods, local amenities, and business establishments within the Subarea.

Discussion. The Subarea is mostly developed. It is important that subsequent development and redevelopment improves the function and appearance of the various land uses and that they are compatible with each other

Overview

The Eastgate Subarea provides a gateway for south Bellevue and an axis for travel between the Eastside and metropolitan Seattle. Rolling tree- and house-covered hills on either side of the I-90 corridor surround a major commercial interchange located at the center of the Subarea.

Convenient access makes the Eastgate Subarea a desirable place to live and work. Jobs, stores, schools, churches, parks, and trails all are within easy walking distance of each other. As one of Bellevue's older areas, the Subarea contains established residential neighborhoods, many with attractive views. Combined, these amenities have greatly enhanced the quality of life for the Subarea's residents and business owners alike.

The Eastgate Subarea encompasses approximately 1,500 acres. Its boundaries are 137th Avenue S.E. to the west, S.E. 23rd Street to the north, 168th Avenue S.E. to the east, and S.E. 41st Street to the south. With the Eastgate annexation in 2012, all of the subarea is within City limits.

~~The southern third and portions of the eastern edge of the Subarea lie outside the City of Bellevue's boundaries. In the future, the Subarea's boundaries may expand southward, to include areas that fall currently within the Newcastle Subarea and eastward up to Lake Sammamish.~~

The I-90 business corridor covers 10 percent of the ~~subarea~~ Subarea, and is home to major corporations, high technology industries, and community shopping areas. When combined with the adjacent Factoria commercial core, the area is the third largest employment area in the city. The corridor, which has developed primarily since 1980 ~~within the last ten years~~, owes its success to the area's accessibility to I-90 and its proximity to major urban centers. ~~Sunset Village and the~~ The Eastgate Plaza Shopping Center, which serves the large residential neighborhoods in and near the Subarea, also ~~is are~~ located in this corridor. The area north of the I-90 corridor features large and small parks; a deep, wooded ravine; about 160 acres of publicly-owned land; and numerous public facilities such as churches, government agencies, and Bellevue College, a community college. ~~The area south of I-90 is largely within unincorporated King County, with the exception of the commercial areas that front the freeway. Parks, schools, and churches also are found within the Subarea on both sides of I-90.~~

As of November, 1989, 95 acres of incorporated land remain vacant in the Subarea. Of these, about 22 acres are designated for commercial uses and about 73 acres are designated for residential uses. Eighty two acres of the Subarea's vacant land is known as the Sunset Property, which will be developed with 750,000 square feet of office space and 312 multifamily homes. These multifamily homes will augment the Subarea's current supply of 522 multifamily and 725 single family homes that lie within the incorporated portions of the Subarea. The potential residential population of the Subarea is approximately 3,250 people. This potential is not expected to increase or decrease dramatically. Employment growth, however, is projected to reach 9,000 workers by 2020, up from 7,270 workers in 1988.

Protecting residential neighborhoods from increased development and its resultant increased traffic, redeveloping existing retail properties, and creating a comprehensive trail system are expected to be the Subarea's major issues in the near future.

In 2012, the Eastgate/I-90 Land Use & Transportation Project (Eastgate/I-90 project) was completed. The study area boundaries of that project, which establishes a long-range vision for the I-90 business corridor, incorporate much, but not all, of the Eastgate subarea, as well as portions of the Factoria and Richards Valley subareas.

The Eastgate/I-90 project supports changes intended to capture market demand, improve transportation conditions, address concerns of the employment sector as well as the general public, and position the corridor to grow gracefully over time. It includes the following key elements.

- It builds on the success of the corridor as a major employment and office center, by adding capacity for additional office growth and allowing a greater mix of support retail and service uses.
- It establishes a mixed-use Transit-Oriented Development center around the transit center and south of Bellevue College. A substantial portion of the future office and residential growth in the corridor is expected to occur at this location.
- It increases opportunities for residential development in the corridor, to add vibrancy to the area, provide housing in proximity to Bellevue College and places of work, benefit from existing transit service, and support nearby retail uses.
- It seeks to enhance Bellevue College's visual presence and connections to the adjacent community.
- It promotes the Mountains-to-Sound Greenway by supporting the development of the Mountains-to-Sound Greenway trail through Bellevue and by incorporating sustainable design and abundant natural landscaping into the built environment.
- It identifies modest but effective motorized and non-motorized transportation improvements that may be accomplished through partnerships with other agencies.
- It supports increased floor area ratios and building heights throughout the corridor to meet demand for continued job and economic growth.

This Subarea Plan provides a framework for Land Use Code amendments that will implement the vision of the Eastgate/I-90 Land Use & Transportation Project as summarized above.

Land Use

Policies

POLICY S-EG-X1. Focus Eastgate growth into a mixed use center adjacent to the Eastgate Transit Center with greater height and intensity than the surrounding area.

POLICY S-EG-X2. Establish a pedestrian-oriented street that provides a community plaza and allows for connections between Bellevue College, the Eastgate Park and Ride, and the office, retail, and residential development in the transit-oriented development center.

POLICY S-EG-1. Encourage office and retail land uses that take advantage of the freeway access, transit service, and non-motorized transportation alternatives without adversely impacting adversely the residential neighborhoods.

Discussion: Intense office development can generate adverse traffic impacts and block residential views. Site design also can impact residential quality. To support this policy, office and retail development should be ~~limited~~ well designed so that it is compatible with surrounding neighborhoods and be oriented around a multi-modal transportation system that reduces vehicular congestion and traffic impacts.

POLICY S-EG-2. Encourage the integration of restaurants and other commercial uses that serve local workers into and adjacent to be compatible in design with surrounding office development to enhance the mix of uses within walking distance of employment areas, and accessible to pedestrians.

Discussion: The reason for encouraging restaurants and other commercial services within office developments is to reduce vehicular traffic between the office parks and retail areas. Retail areas are intended to serve primarily local needs.

Natural Determinants Environment

Policies

POLICY S-EG-3. Protect the Vasa Creek riparian corridor from development to improve water quality, fisheries, and provide open space.

Discussion: The Vasa Creek riparian corridor has major segments that remain in a natural state. This creek is one of the few natural areas left in the Subarea and should be protected. A trail along the creek may be possible if environmental impacts can be avoided.

POLICY S-EG-4. Ensure that increases in impervious surface area or stormwater runoff will not increase the quantity or worsen the Protect and improve the stormwater quality entering public drainage systems, streams, and Phantom Lake, Lake Washington, and Lake Sammamish

Discussion: Construction activities should control erosion and sedimentation. This could include seasonal limitation on grading activities, natural vegetative filtration, and use of the best available

technology Storm water quality from developments should be improved prior to discharge into the public drainage system.

POLICY S-EG-X-3. Explore sub-regional stormwater detention as a future step to provide a more effective approach to stormwater control and mitigation and to achieve broader environmental benefits through coordinated treatment and detention across multiple properties.

Commercial

Policies

~~POLICY S-EG-5.~~ Consolidate retail/commercial development within existing Community Business and General Commercial boundaries.

~~POLICY S-EG-6.~~ Limit retail expansion to serve primarily neighborhood and community retail needs.

~~Discussion: Retail services should serve area residents but not become regional shopping centers~~

Residential Development

Policies

POLICY S-EG-7. Maintain single-family housing as the predominant residential land use in the Subarea in land area and appearance.

POLICY S-EG-8. Limit multifamily housing zoning to locations accessible directly from arterials, as depicted on the Land Use Plan (*Figure S-EG.1*).

POLICY S-EG-10. Multifamily housing may be appropriate to separate office and retail land uses from single-family neighborhoods or as a part of mixed use developments where there is close proximity to transit or neighborhood-serving commercial uses, with a special emphasis on meeting the housing needs of Bellevue College

POLICY S-EG-11. Encourage more opportunities for affordable housing in the Subarea by maintaining and rehabilitating existing housing stock.

Transportation and Circulation

Policies

POLICY S-EG-9. Discourage multifamily and commercial traffic from passing through local streets in single-family neighborhoods.

POLICY S-EG-12. Consider allowing a reduction in parking requirements where it is possible to do so because of proximity to transit. ~~Evaluate the impacts on parking.~~

~~nonmotorized circulation, and site access when uses that have high trip generation or unusual traffic patterns are proposed.~~

~~*Discussion: Certain land uses, such as health clubs and movie theaters, have high trip generation, unusual traffic patterns, and high parking demands. Appropriate considerations should be given to these land uses to determine their traffic impacts and suitable mitigating measures. Mitigating existing traffic problems also should be considered.*~~

POLICY S-EG-13. ~~Reduce parking spillover from commercial uses to maintain safety standards.~~

POLICY S-EG-14. Improve safety, convenience, and access by ensuring that internal circulation systems are integrated with the street system to improve multi-modal mobility within and between developments for pedestrians and other nonmotorized users by providing and maintaining an integrated on-street and off-street system.

~~*Discussion: The City should create a nonmotorized action list that proposes projects to eliminate missing links in the nonmotorized transportation system. It is important to use this list when reviewing tasks such as capital projects, the Street Overlay Program, and maintenance projects. The list could identify both interim and long-term capital improvements.*~~

POLICY S-EG-X-4. Collaborate with the Washington State Department of Transportation to relieve congestion created by vehicles entering and exiting Interstate 90.

POLICY S-EG-X-5. Develop the Mountains to Sound Greenway trail through the subarea to provide pleasant, safe, non-motorized facilities that provide local and regional connections.

~~*Discussion: the Mountains to Sound Greenway trail connects the Puget Sound with central Washington along 100 miles of I-90. Within Bellevue, there is a 3 mile gap through the Eastgate area from Factoria to Bellevue city limits. Closing this gap will provide a transportation and recreation resource that will benefit Eastgate residents, visitors, and businesses*~~

POLICY S-EG-15. Consider interim solution for nonmotorized improvements until major improvements can be made. Improve connectivity within the subarea for pedestrians and bicycles where opportunities exist by integrating land uses, improving roadway safety for all modes of travel, and linking commercial, office, parks, and public spaces with trails and pathways.

~~*Discussion: Use the City of Bellevue's Overlay Program, Minor Capital Project Fund, Neighborhood Enhancement Program fund, or other sources to provide interim solutions when practical. These interim projects should not preclude major improvements.*~~

POLICY S-EG-16. Encourage improvement of transit ~~Metro~~ facilities and service to and from key points in the Eastgate Subarea.

~~*Discussion: 142nd Place SE should be established as a frequent transit network corridor that reinforces the Transit Oriented Development Area, enhances bus service connections to Bellevue College, and is designed to serve as a gateway feature for the area. In addition, it may be possible to serve more parts of the Subarea, and to serve the Subarea more efficiently, by working*~~

with partner agencies and organizations. Eastgate needs Metro service during off-peak hours from shopping areas and along arterials.

POLICY S-EG-17. Plan for the long-range, traffic-related needs in the Eastgate Subarea, including designated arterials, feeder (collector) streets, and residential streets.

Discussion: Such planning should include an evaluation of Eastgate's arterial facility needs for improvements to Eastgate Way and access to I-90.

Community Design

Policies

POLICY S-EG-18. Encourage a gateway within the I-90 interchange to accentuate Eastgate as an entry into Bellevue. Reinforce the area's location on the Mountains to Sound Greenway, accentuate Eastgate as a major entry into Bellevue, and emphasize the emerging urban character of the Eastgate I-90 corridor through the application of land use regulations, public amenity incentives, and design guidelines.

Discussion: The I-90 interchange at Eastgate is a major link between the northern and southern halves of the Subarea and is an access point for the freeway. A gateway should link both halves and include improved landscaping with seasonal color, pedestrian connections, lighting, district identification signs, and public artwork.

POLICY S-EG-19. Provide graceful edges and transitions between more intense development and existing residential land uses by maximizing. Maximize the use of existing vegetation and topography to separate and buffer and maintain compatibility between different land uses through land use regulations.

Discussion: The Subarea has natural, vegetated topographic breaks between the commercial/office developments and the residential neighborhoods. These natural buffers should be retained to keep these uses separate but compatible.

POLICY S-EG-X-6. Consider design review for commercial, office, and mixed use development that promotes pedestrian-friendly design, ensures quality and a sense of permanence, promotes environmental sustainability and creates a distinct identity.

POLICY S-EG-20. Preserve the view amenities of adjacent single-family neighborhoods as development and redevelopment occurs.

POLICY S-EG-21. Discourage new development from blocking existing views from public spaces.

POLICY S-EG-22. Encourage the preservation of sufficient natural vegetation to assure amenable views. Support the overall sustainability and green identity of the I-90 corridor consistent with the Mountains to Sound Greenway by including visibly recognizable natural features in public and private development. Examples include, but are not limited to green walls, façade treatments, green roofs, retained native vegetation, and abundant natural landscaping.

~~POLICY S-EG-23.~~ ~~Diminish the affect of rooftop equipment on views from residential areas.~~

POLICY S-EG-24. Diminish the effect of rooftop equipment on views from residential areas by requiring Design rooftop equipment to be low-profiled and screened to match the building's exterior color, building materials, and styles.

~~POLICY S-EG-25.~~ ~~Use landscaping to complement building and site design.~~

~~Discussion: Eastgate has a variety of land uses with large areas of office development. Site design should use street lighting and landscaping to accentuate walks and roads, soften paved areas, and screen development from adjacent residential uses. Large color spots of flowers should be used to accentuate areas visible from streets. When possible, plantings of trees and shrubs should be large enough to complement the scale of the building.~~

POLICY S-EG-26. Maintain the Subarea's predominantly treed skyline and encourage preservation of existing stands of trees and landscaping.

~~Discussion: Eastgate has a low profile skyline with many trees. Buildings, especially in the I-90 corridor, should respect and complement this skyline.~~

POLICY S-EG-27. Encourage the State Department of Transportation to provide landscaping that clarifies access patterns and improves the appearance of their properties.

POLICY S-EG-28. Encourage cohesive site and building design in the redevelopment of the Eastgate retail, office, and service property. Create community character in commercial, office, and mixed use development through the use of standards and incentives that support public art, street lighting, landscaping, distinctive building design, and pedestrian-oriented site design.

~~Discussion: Some of the Subarea's retail, office, and service uses have immediate redevelopment potential. Therefore, redevelopment should enhance the surrounding arterials with pedestrian amenities such as well defined pedestrian walkways that connect surrounding properties with street and building entrances. In addition, coordinate on-site auto circulation to reduce curb cuts and improve pedestrian safety. Landscaping should be in scale with the development.~~

POLICY S-EG-X-7. Encourage the development of a dynamic public realm by integrating publicly accessible plazas, open spaces, and other gathering spaces within private development in commercial, office, and mixed use areas.

Parks and Open Space

Policies

POLICY S-EG-X-8. Integrate a system of parks, recreational facilities, and open spaces that will benefit surrounding neighborhoods and help create an environment that supports healthy lifestyles.

POLICY S-EG-X-9. Create and encourage an interconnected system of non-motorized trails as a part of public and private development within the subarea that will link community amenities, provide recreational opportunities, and offer transportation benefits.

POLICY S-EG-X-10. Develop local connections to the Mountains to Sound Greenway through the subarea in order to enhance the trail as a local and regional recreational asset.

Coordination and Partnership

Policies

POLICY S-EG-X-11. Coordinate with Bellevue College, the State of Washington, the Mountains to Sound Greenway Trust, county and regional agencies, the private sector, and others to implement the desired land use and transportation changes in this subarea plan.

POLICY S-EG-X-12. Support the evolution of Bellevue College according to its institutional mission and encourage campus growth that is physically and functionally integrated into surrounding land uses.

Planning District Guidelines

Policies

Planning District 1

POLICY S-EG-29. Retain significant vegetation and supplement vegetation on the steep slope along the southeast edge of Kamber Road between 137th Avenue S.E. and S.E. 24th Street.

POLICY S-EG-31. Encourage residential Planned Unit Developments (PUD) to protect steep slopes and preserve open space in the northern half of the Sunset property.

Discussion: Steep slope protection and open space preservation at the north end of the Sunset property should buffer views of the development from the single family residences across Kamber Road.

POLICY S-EG-32. Develop multifamily housing in the northern and central portion of the Sunset property to take advantage of the site's view potential.

POLICY S-EG-33. Encourage office uses in the southern half of the Sunset property to gain visibility and accessibility from I-90 and the frontage road.

Discussion: Policies S-EG-29 through S-EG-33 should guide the conditions of development as stated in these policies.

POLICY S-EG-34. Designate the 10.5 acre site northwest of the I-90 Business Park, known as the Old School District property, Single-family Urban Residential.

Discussion: At the reclassification stage particular attention should be given to the mitigation of traffic impacts to the adjacent residential neighborhoods that could result from the site's development. Multiple access points should be considered in order to disperse traffic. Alternatives to access from S.E. 26th Street/158th Avenue S.E. should be pursued.

POLICY S-EG-35. Designate the 4-acre Saint Andrews Church property and the northern 9.5 acres of the Latter Day Saints Temple property as Single-family High-density (SF-H).

Discussion: The development of congregate care senior housing, nursing home, or affordable housing may be appropriate for the site. A conditional use permit should be required to insure compatibility with adjacent development and insure that it is in keeping with the character of the Subarea Multifamily Low density may be appropriate for a rezone only to accommodate congregate care senior housing, nursing homes, or affordable housing.

Planning District 2

POLICY S-EG-30. Retain sufficient vegetation on the eastern side of the Sunset property to visually buffer Bellevue Community College.

~~**POLICY S-EG-36.** Designate the 1.25 acre triangular parcel directly opposite the eastern entrance to Bellevue Community College (B.C.C.) at the south end of 145th Place S.E. Professional Office.~~

~~*Discussion: In no case should there be access to both 145th Place S.E. and the B.C.C. access road. The site may be appropriate for a Multifamily Low density.*~~

~~**POLICY S-EG-37.** Encourage light industrial development south of Kamber Road to buffer residences to the north. Screen industrial development from residences to the north of Kamber Road from light industrial development with a landscaped buffer.~~

~~*Discussion: The buffer should be 30 feet wide along the south side of Kamber Road and include landscaping to accomplish maximum screening. In addition, outdoor lighting shall be shielded and loading docks shall be located away from residential land uses.*~~

POLICY S-EG-38. Protect the surrounding neighborhoods from future development in the I-90 Business Park by observing transition area requirements from residential uses as well as maintaining landscape buffers.

Discussion: Encourage retention of significant open space in the I-90 Business Park in conjunction with utilization of the remaining Development potential. Apply the OLB-OS designation in support of this policy. [Amended Ord. 5392]

~~**POLICY S-EG-39.** Designate the 6-acre parcel south of the Squibb Building west of Vasa Creek as Office, Limited Business.~~

~~*Discussion. Any proposed residential development should include a portion of the units as affordable housing. If the site is developed with residential uses, nonmotorized access should be provided to 156th Avenue S.E. Hotel, motel, and retail uses should be prohibited. Before any development occurs at this site, a traffic/ circulation study should be required to define a plan of action for dealing with increasing congestion in the area of the tunnel under I-90. Such a study would emphasize the importance of traffic considerations in development of the site to prevent further degradation and increasing safety problems.*~~

~~POLICY S-EG-40. Auto sales, auto rental, and auto leasing uses are not appropriate in the Light Industrial District located east of 156th and north of I-90 nor along S.E. 24th.~~

~~*Discussion: The Light Industrial District located east of 156th is currently known as the I-90 Business Park.*~~

POLICY S-EG-X-13. Rezone master planned areas in District 2 to be consistent with the underlying Land Use designation and implement the Eastgate Land Use and Transportation project vision when existing concomitant agreements affecting the site are renegotiated or repealed and upon approval of a new Master Development Plan.

~~*Discussion. Large master planned projects in Eastgate are subject to Master Plan/Design Review requirements and conditions associated with concomitant zoning agreements that may prevent implementation of zoning consistent with the Eastgate Land Use and Transportation Project vision. Portions of the Sunset Corporate campus, subject to concomitant agreement 14463 and the area generally associated with the I-90 Corporate Campus, subject to concomitant agreements 6015, 11390, and 33217 should only be rezoned when the existing concomitant agreements are renegotiated or repealed.*~~

POLICY S-EG-X-14. Encourage a mixed use area between Bellevue College and I-90 into a walkable, transit-oriented center at the level of intensity needed to create a vibrant mix of offices, residences, and locally-serving shops and restaurants that are urban in character.








POLICY S-EG-X-15. Retain neighborhood-serving commercial uses through flexible zoning that allows a rich combination of neighborhood retail and services.







POLICY S-EG-X-16. Consider the use of a land use incentive system in office and mixed use areas that incentivizes provision of infrastructure and amenities that offer public benefits through the potential for additional floor area ratio (FAR) and height.

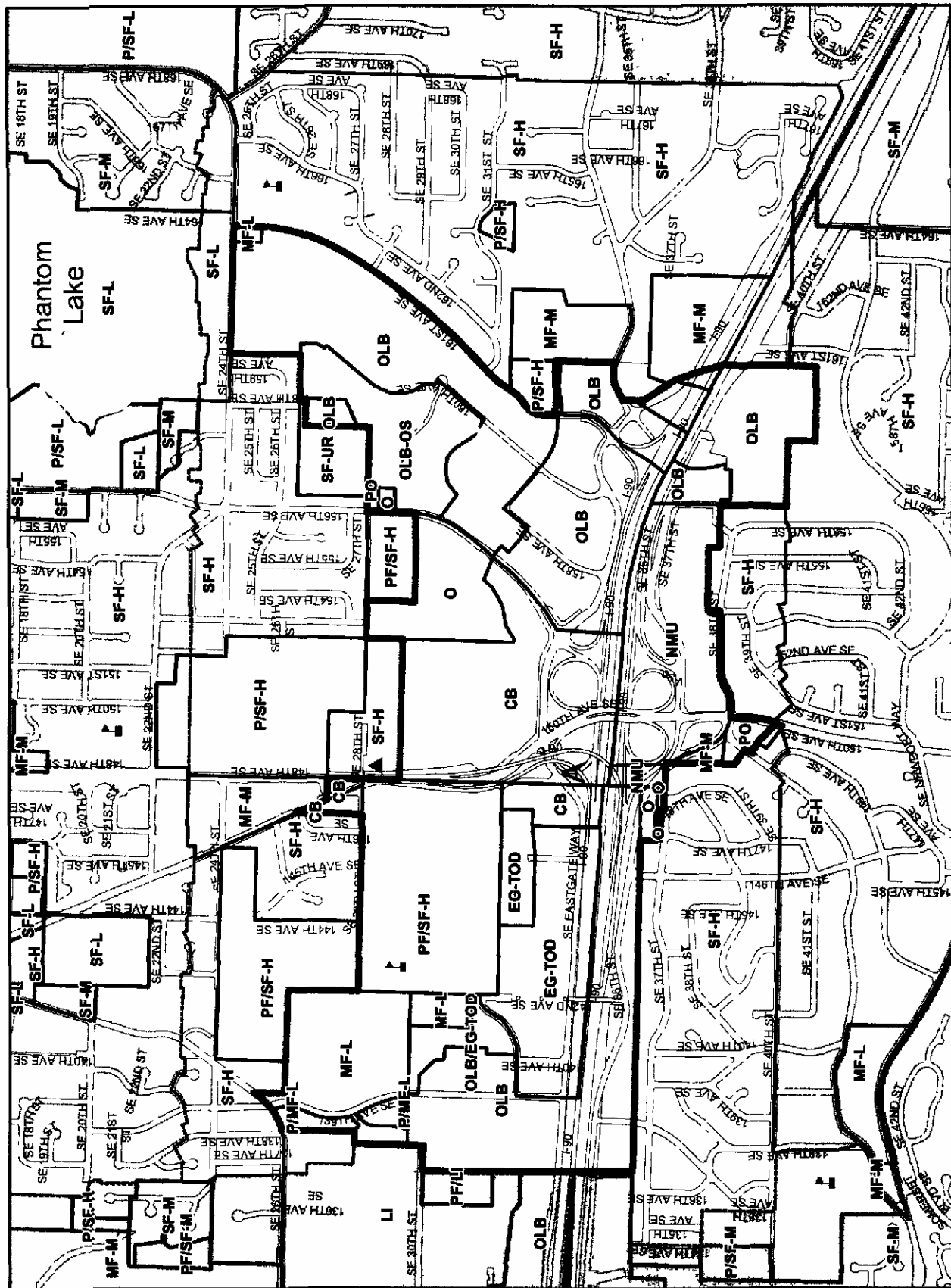
SF Single Family
MF Multi Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO	Professional Office
O	Office
OLB	Office, Limited Business
OLB-OS	Office, Open Space
NB	Neighborhood Business
CB	Community Business

GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park
NMU	Neighborhood Mixed Use
EG-TOD	Eastgate-Transit Oriented Development
OLB/EG-TOD	OLB and Eastgate-Transit Oriented Development

-  Fire Stations
 Public Schools
 Planning Districts
 Bellevue City Limits (2015)
 Lakes
 CompPlan Boundaries
 Outside of Bellevue

- | | | | | | | | |
|-----|-------------------|--------|--------------------------|------------|---|---|-----------------------------|
| SF | Single Family | PO | Professional Office | GC | General Commercial |  | Fire Stations |
| MF | Multi Family | O | Office | LI | Light Industrial |  | Public Schools |
| -L | Low Density | OLB | Office, Limited Business | PF | Public Facility |  | Planning Districts |
| -M | Medium Density | OLB-OS | Office, Open Space | P | Park |  | Bellevue City Limits (2015) |
| -H | High Density | NB | Neighborhood Business | NMU | Neighborhood Mixed Use |  | Lakes |
| -UR | Urban Residential | CB | Community Business | EG-TOD | Eastgate-Transit Oriented Development |  | Outside of Bellevue |
| | | | | OLB/EG-TOD | OLB and Eastgate-Transit Oriented Development | | |



Eastgate Land Use Plan



SF	Single Family	PO	Professional Office	GC	General Commercial	▲	Fire Stations
MF	Multi Family	O	Office	LI	Light Industrial	▲	Public Schools
-L	Low Density	OLB	Office, Limited Business	PF	Public Facility	—	Planning Districts
-M	Medium Density	OLB-OS	Office, Open Space	P	Park	---	Bellevue City Limits (2015)
-H	High Density	NB	Neighborhood Business	NMU	Neighborhood Mixed Use	—	Lakes
-UR	Urban Residential	CB	Community Business	EG-TOD	Eastgate-Transit Oriented Development	—	Outside of Bellevue
				OLB/EG-TOD	OLB and Eastgate-Transit Oriented Development		

4155c
06-01-89

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4010

AN ORDINANCE reclassifying approximately 82.5 acres of property bounded on the south by S.E. Eastgate Way; on the north by Kamber Road; on the east by Bellevue Community College; and on the west by Puget Power transmission lines in the Eastgate Subarea in the City of Bellevue, commonly referred to as the Sunset properties, on application of Father R.J. Sullivan and R.R. Lee, Sr.

WHEREAS, the applicants Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) filed an application for reclassification of approximately 82.5 acres of property from R-10/C, R-30/C and CB/C to OLB and R-10 with conditions, which property is bounded on the south by S.E. Eastgate Way; on the north by Kamber Road; on the east by Bellevue Community College; and on the west by Puget Power transmission lines in the Eastgate Subarea in the City of Bellevue; and

WHEREAS, on January 19, 1989, a public hearing was held thereon before the Hearing Examiner Pro Tem for the City of Bellevue upon proper notice to all interested persons; and

WHEREAS, on February 10, 1989, the Hearing Examiner Pro Tem issued his Findings and Recommendation recommending conditional approval of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the Department of Public Works filed an appeal of the Findings and Recommendation of the Hearing Examiner Pro Tem dated February 10, 1989; and

WHEREAS, pursuant to a Joint Motion to Reopen the Record submitted by the City of Bellevue and Wright Runstad on behalf of the applicant, the Hearing Examiner Pro Tem issued an Order on Joint Motion to Reopen Record dated March 30, 1989 for the limited purpose of providing the Hearing Examiner with evidence necessary to resolve certain issues relating to child-care and child-care facilities and to provide clarification of his findings and recommendation with regard to roadway improvements; and

WHEREAS, on April 14, 1989, the Hearing Examiner Pro Tem issued his Supplemental Findings and Recommendation which amended his Findings and Recommendation of February 10, 1989; and

WHEREAS, the Department of Public Works withdrew its appeal of the Hearing Examiner's Findings and Recommendation; and

4155c
06-01-89

WHEREAS, on May 22, 1989, the City Council considered the Hearing Examiner Pro Tem's Findings and Recommendation for conditional approval of the rezone application as amended by said Supplemental Findings and Recommendation; and

WHEREAS, the City Council has reviewed the record before the Hearing Examiner Pro Tem in this matter and concurs with his recommendation to conditionally approve the application, as modified by the supplemental recommendation of the Hearing Examiner Pro Tem, and concurs in the findings of fact and conclusions upon which said recommendation and supplemental recommendation are based; and

WHEREAS, the City Council desires to enter additional findings of fact and conclusions regarding certain issues; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the Bellevue Environmental Procedures Act; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner Pro Tem in support of his recommendation to the City Council in this matter as set forth in the "Findings and Recommendation of the Hearing Examiner Pro Tem for the City of Bellevue In the Matter of the Application of Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) for a Reclassification of Zoning, File No. HE/REZ 88-2659" dated February 10, 1989 and as modified by the Hearing Examiner Pro Tem's "Supplemental Findings and Recommendation of the Hearing Examiner Pro Tem for the City of Bellevue In the Matter of the Application of Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) for a Reclassification of Zoning, File No. HE/REZ 88-2659," dated April 14, 1989, except insofar as they are inconsistent with the Findings and Conclusions set forth in Sections 2. and 3. of this Ordinance.

Section 2. The City Council enters the following additional findings of fact:

A. A condition of the Hearing Examiner's recommendation required that twenty-five percent of the housing units on the property be set aside for persons of moderate and median income.

B. The June, 1988 Housing Study produced by the City of Bellevue indicates that the City can expect a significant increase in the number of households in the city by 2000, and that many of these

4155c
06-01-89

households will meet HUD guidelines for low, as well as moderate and median, income households.

C. Comprehensive Plan, Section 21.G.105.A.1 provides that the City should encourage a variety of housing opportunities for those with special needs.

Comprehensive Plan, Section 21.G.105.C provides that "... assisted housing for the economically disadvantaged should be provided within Bellevue in a manner which is accepted by all residents."

Comprehensive Plan, Section 21.G.105.E provides that the City ensure adequate housing is available for families with children, who often have limited economic means.

Comprehensive Plan, Section 21.G.120.A.1 provides that it is a goal of the City to increase housing opportunities within the city.

Comprehensive Plan, Section 21.S.100 provides as a goal that the City maintain and enhance a quality living environment regardless of economic status.

Comprehensive Plan, Section 21.S.450 provides that "the City shall encourage and promote the availability of diverse quality housing opportunities for people, regardless of their economic status."

D. Based on local and national studies, the Planning Staff determined that employee population on the property when developed would create a demand for 60 to 120 child care slots, and the resident population would create a need for 21 such slots.

E. Comprehensive Plan 21.S.140 provides that it is a city goal to support child care services throughout the City.

Comprehensive Plan 21.S.145 provides that the City should encourage the provision of child care services that are convenient to the home and workplace.

Comprehensive Plan 21.S.500 provides the City should encourage the provision of services to meet the needs of single-parent families.

Section 3. The City Council enters the following additional conclusions:

4155c
06-01-89

A. There is a demonstrated need for housing in the city of Bellevue for persons of low, moderate and median income.

B. The goals and policies of the Comprehensive Plan support a condition requiring that a portion of the new housing on the property be committed to be available to persons of low, moderate and median income. Ten percent of the total housing each for persons of low and moderate income, and five percent for persons of median income, is appropriate.

C. The project should provide services to meet a reasonable portion of the child care needs resulting from the project. Between 50 and 80 child care slots is a reasonable number to be provided.

Section 4. The following described property is hereby reclassified from R-10, R-30 and CB with conditions to OLB and R-10 with conditions as follows:

PARCEL A

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears N01°26'24"E; thence S88°33'04"E, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence N01°18'59"E, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence S88°35'25"E, along said north line, 222.05 feet; thence N01°20'28"E 150.00 feet to the TRUE POINT OF BEGINNING; thence continuing N01°20'28"E 514.44 feet to the north line of the northwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence S88°37'47"E 109.48 feet to the west line of the east half of the northeast quarter of the northwest quarter of said Section 10; thence N01°17'30"E 646.27 feet to the southeasterly margin of 139th Place S.E., said point being on a 603.14 foot radius circular curve to the left, from which point the center of said curve bears N13°04'01"W; thence northeasterly, along said curve through a central angle of 40°56'35", an arc distance of 431.00 feet to a point of tangency; thence N35°59'24"E 29.05 feet to the west line

4155c
06-01-89

of the east 300.00 feet of said east half; thence S01°14'32"W, along said west line, 246.84 feet to the north line of the southeast quarter of the northeast quarter of the northwest quarter of said Section 10; thence S88°40'08"E, along said north line, 300.00 feet to the northwest corner of the southwest quarter of the northwest quarter of the northeast quarter of said Section 10; thence S88°15'04"E, along the north line of said subdivision, 670.09 feet to the northeast corner of said subdivision; thence S01°18'44"W, along the east line of said subdivision and its southerly prolongation, 1,167.32 feet to a point which bears S88°56'04"E from the TRUE POINT OF BEGINNING; THENCE N88°56'04"W 1,442.64 feet to the TRUE POINT OF BEGINNING.

Containing approximately 37.8766 acres, more or less.

Said PARCEL A is rezoned to R-10 with conditions as set forth in that certain Concomitant Zoning Agreement hereinafter referenced.

PARCEL B

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears N01°26'24"E; thence S88°33'04"E, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10 and the TRUE POINT OF BEGINNING; thence N01°18'59"E, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence S88°35'25"E, along said north line, 222.05 feet; thence N01°20'28"E 150.00 feet; thence S88°56'04"E 1442.64 feet to the east line of the west half of the southwest quarter of the northeast quarter of said Section 10; thence S01°18'44"W, along said east line 590.00 feet to a point on the northerly line of that certain tract of land conveyed to King County by instrument recorded under King County Recording No. 7806090312; thence generally southwesterly, along said northerly line; the following courses and distances: thence S80°52'57"W 0.12 feet; thence N01°18'32"E 51.72 feet; thence N88°41'28"W 60.00 feet; thence S01°18'32"W 50.00 feet; thence N88°41'28"W 13.00 feet; thence S34°10'42"W 68.29 feet to a point on a 235.08 foot radius

4155c
06-01-89

circular curve to the left, from which point the center of said curve bears S29°33'22"E; thence southwesterly, along said curve, through a central angle of 34°26'52", an arc distance of 141.34 feet to a point of reverse curvature and the beginning of a 420.00 foot radius circular curve to the right; thence southwesterly, along said curve, through a central angle of 65°18'46", an arc distance of 478.77 feet to a point of tangency; thence N88°41'28"W 93.62 feet; thence S01°18'32"W 437.12 feet; thence S41°18'39"W 32.73 feet to a point on the northerly margin of the FL 5 Frontage Road as delineated on sheets 3 & 4 of 25, SR 90 Right-of-Way, Richards Road to Lake Sammamish as approved June 12, 1969; thence westerly, along said northerly margin, N85°46'25"W 966.70 feet to a point which bears S01°18'59"W from the TRUE POINT OF BEGINNING; thence N01°18'59"E 586.80 feet to the TRUE POINT OF BEGINNING.

Containing approximately 44.6734 acres, more or less.

Said PARCEL B is rezoned to OLB with conditions as set forth in that certain Concomitant Zoning Agreement hereinafter referenced.

This reclassification from R-10, R-30 and CB with conditions to OLB and R-10 with conditions is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees or successors in interest with the terms and conditions of that certain Concomitant Zoning Agreement which has been given Clerk's Receiving No. 14463 and which is adopted by reference into this ordinance as if it were fully set forth herein.

4155c
06-01-89

Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 5th day of June, 1989, and signed in authentication of its passage this 5th day of June, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published June 14, 1989

Attachment 5

ORIGINAL

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CONCOMITANT ZONING AGREEMENT

FILED NO. 14463
CITY OF BELLEVUE
DATE 6/6/89
CITY CLERK [Signature]
O. Connell
Ord. 4010

WHEREAS, the City of Bellevue, Washington, a noncharter code city, under the laws of the State of Washington (chapter 35A.63 RCW and Article II, Section 10 of the Washington State Constitution) has authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, and thereby control the use and development of property within its jurisdiction; and

WHEREAS, the Owners of certain property have applied for a rezone of such property (hereinafter referred to as the property) described below which is within the City's jurisdiction; and

WHEREAS, the City of Bellevue Hearing Examiner Pro Tem has recommended that the approximately 80 acres of property located north of Eastgate Way, south of Kamber Road, west of Bellevue Community College and east of Puget Power transmission lines, which property is hereinafter more particularly described, be rezoned from CB/C, R-30/C and R-10/C to OLB and R-10 with conditions; and

WHEREAS, the City pursuant to Title 43.21C RCW, the State Environmental Policy Act, requires the mitigation of any adverse impacts which might result because of the proposed rezone; and

WHEREAS, the Owners have indicated willingness to cooperate with the City of Bellevue to ensure compliance with the Bellevue Land Use Code, the Bellevue Environmental Procedures Code and all other local, state and federal laws relating to the use and development of the property; and

WHEREAS, the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the

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public by this concomitant agreement;

NOW, THEREFORE, in the event the property located north of Eastgate Way, south of Kamber Road, west of Bellevue Community College and east of Puget Power transmission lines, and more particularly described as:

PARCEL A:

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears N01°26'24"E; thence S88°33'04"E, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence N01°18'59"E, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence S88°35'25"E, along said north line, 222.05 feet; thence N01°20'28"E 150.00 feet to the TRUE POINT OF BEGINNING; thence continuing N01°20'28"E 514.44 feet to the north line of the northwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence S88°37'47"E 109.48 feet to the west line of the east half of the northeast quarter of the northwest quarter of said Section 10; thence N01°17'30"E 646.27 feet to the southeasterly margin of 139th Place S.E., said point being on a 603.14 foot radius circular curve to the left, from which point the center of said curve bears N13°04'01"W; thence northeasterly, along said curve through a central angle of 40°56'35", an arc distance of 431.00 feet to a point of tangency; thence N35°59'24"E 29.05 feet to the west line of the east 300.00 feet of said east half; thence S01°14'32"W, along said west line, 246.84 feet to the north line of the southeast quarter of the northeast quarter of the northwest quarter of said Section 10; thence S88°40'08"E, along said north line, 300.00 feet to the northwest corner of the southwest quarter of the northwest quarter of the northeast quarter of said Section 10; thence S88°15'04"E, along the north line of said subdivision, 670.09 feet to the northeast corner of said subdivision; thence S01°18'44"W, along the east line of said subdivision and its southerly prolongation, 1,167.32 feet to a point which bears S88°56'04"E from the TRUE POINT OF BEGINNING; THENCE N88°56'04"W 1,442.64 feet to the TRUE POINT OF BEGINNING.

Containing approximately 37.8766 acres, more or less.

PARCEL B

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

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Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears N01°26'24"E; thence S88°33'04"E, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10 and the TRUE POINT OF BEGINNING; thence N01°18'59"E, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence S88°35'25"E, along said north line, 222.05 feet; thence N01°20'28"E 150.00 feet; thence S88°56'04"E 1442.64 feet to the east line of the west half of the southwest quarter of the northeast quarter of said Section 10; thence S01°18'44"W, along said east line 590.00 feet to a point on the northerly line of that certain tract of land conveyed to King County by instrument recorded under King County Recording No. 7806090312; thence generally southwesterly, along said northerly line; the following courses and distances: thence S80°52'57"W 0.12 feet; thence N01°18'32"E 51.72 feet; thence N88°41'28"W 60.00 feet; thence S01°18'32"W 50.00 feet; thence N88°41'28"W 13.00 feet; thence S34°10'42"W 68.29 feet to a point on a 235.08 foot radius circular curve to the left, from which point the center of said curve bears S29°33'22"E; thence southwesterly, along said curve, through a central angle of 34°26'52", an arc distance of 141.34 feet to a point of reverse curvature and the beginning of a 420.00 foot radius circular curve to the right; thence southwesterly, along said curve, through a central angle of 65°18'46", an arc distance of 478.77 feet to a point of tangency; thence N88°41'28"W 93.62 feet; thence S01°18'32"W 437.12 feet; thence S41°18'39"W 32.73 feet to a point on the northerly margin of the FL 5 Frontage Road as delineated on sheets 3 & 4 of 25, SR 90 Right-of-Way, Richards Road to Lake Sammamish as approved June 12, 1969; thence westerly, along said northerly margin, N85°46'25"W 966.70 feet to a point which bears S01°18'59"W from the TRUE POINT OF BEGINNING; thence N01°18'59"E 586.80 feet to the TRUE POINT OF BEGINNING.

Containing approximately 44.6734 acres, more or less.

is rezoned by the City of Bellevue from CB/C, R-30/C and R-10/C to R-10 and OLB, respectively, with conditions and in full consideration of that event should it occur, the Owners do hereby covenant and agree to the following specific conditions:

1. Development of office, ancillary retail, restaurant and other such uses on the OLB zoned portion of the site (the southern 44.67 acres of the property) shall not exceed 750,000 gross square feet and in no case shall the combination of uses on the OLB portion of the property

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generate peak p.m. trips exceeding the number of trips generated by 750,000 gross square feet of office space (Comprehensive Plan Policy 21.F.180).

2. A master plan for the entire property shall be submitted for review and approval by the Director of Design and Development Department through the Design Review process with the first Design Review application for a development project. The master plan shall include:

- a. The alignment and the phasing (if any) of construction of the Sunset Connector and the east-west connection to Richards Road.
- b. The dimensions of, and the restrictions on development within, the perimeter vegetation and landscape buffers.
- c. The location of major areas of retained vegetation between development areas. These areas should be connected to each other and to the perimeter buffer areas (wherever possible) to provide continuous open space through the site.
- d. The location of the park, recreation and day care facilities to be provided on site.
- e. The limits of all protected areas including wetlands, streams and 40 percent slopes on the site.
- f. Disturbance limits.
- g. A phasing plan as described in paragraph #3.
- h. A composite utility service plan.

(Comprehensive Plan Policies 21.B.005, 21.B.010, 21.B.015, 21.D.100, 21.D.200, 21.F.195, Parks Element Policies, Park Development Objective 1, Policies 2, 4, 7 and Objective 2, Policy 3, 21.M.210.C.3, 4, 10, 21.M.300 A., B, C, Q-1, Q-5, Q-6, Q-7, Q-8, Q-10, Q-71, Q-81, 21.V.1.110, 070, 075, 235, 240, 265, 260, 270, 275, 140)

3. A project phasing plan shall be submitted as part of a required master plan for the entire site with the first design review application. Design Review may occur in phases for all or part of the property. The phasing plan shall demonstrate, to the satisfaction of

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the City, that an equal portion of housing units will be constructed with each phase of development on the OLB zoned property.
(Comprehensive Plan Policies 21.F.180 and 195)

4. A Design Review, in lieu of a Planned Unit Development, shall be required for the R-10 zoned portion of the property to ensure compatibility with surrounding development. Consideration shall be given to the following design elements: roof treatment, building colors and materials, siting of buildings, perimeter buffers and integration with the park and trails system. If the R-10 zoned portion of the property is developed in phases, the Design Review for the property may also be done in phases. (Comprehensive Plan Policy 21.G.115.A.1, 21.V.1.220 and 21.V.1.234-.240)

5. Prior to the effective date of the rezone for the site, a covenant between the applicant and the City shall be completed and recorded with King County Department of Records and Elections specifying low, moderate and median income units, monitoring procedures, and phasing of the office and housing units. (Comprehensive Plan Policies 21.G.1050.1 and 4)

6. Twenty-five percent (25%) of the total number of housing units developed in the R-10 zoned portion of the site shall be "affordable" to low, moderate or median income households in the ratio set forth in paragraph 8 below. Affordable, for the purpose of this rezone, shall mean that monthly rent or house payments shall not be more than thirty percent (30%) of the total monthly household income. (Comprehensive Plan Policy 21.G.115.A.1)

7. Low income is defined for this project as an income level below fifty percent (50%) of the median income for the Seattle Metropolitan Statistical Area. Moderate income is defined for this project as an

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income level from fifty percent (50%) through seventy-nine (79%) of the median income for the Seattle Metropolitan Statistical Area. Median income is defined for this project as an income level from eighty percent (80%) through one hundred percent (100%) of the median income for the Seattle Metropolitan Statistical Area. (Comprehensive Plan Policy 21.G.115.B.1 and 2)

8. Ten percent (10%) of the units shall be set aside for low income households, ten percent (10%) of the units shall be set aside for moderate income households and five percent (5%) of the units shall be set aside for median income households. Units set aside for low, moderate and median income households shall remain available for those purposes so long as the property is zoned in accordance with City of Bellevue Ordinance No. 4010. (Comprehensive Plan Goal 21.G.120.A-1)

9. A copy of the rental contract or lease agreement and information verifying household size and income for each low, moderate and median income housing unit shall be maintained by the developer for inspection by responsible City officials every 12 months at occupancy and each year thereafter for so long as the property is zoned in accordance with City of Bellevue Ordinance No. 4010. Said records shall be available for review by responsible City officials upon reasonable notice.

10. A childcare facility with space available for no less than 50 children will be provided prior to the completion of no more than 235,000 square feet of building on the OLB portion of the subject property. A childcare facility with space available for up to 30 additional children will be provided prior to completion of no more than 500,000 square feet of building on the OLB portion of the subject property, if the City determines that the first facility is operating at capacity and the needs of the project for childcare facilities warrants

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an additional 30 slots. Need will be determined based on a review of waiting lists of other childcare facilities of comparable size which serve the same market areas as the project. Both facilities shall be located in close proximity to the outdoor play area or safe passage must be provided by way of a trail or pedestrian walkway, and provided further these facilities meet any licensing requirement imposed by law or regulation. (Comprehensive Plan Policies 21.S.140, .145 and .500)

11. Every effort shall be made to provide adequate incentives, such as reduced rent and space improvements, to ensure that the childcare facility is made available to a provider who operates with a sliding fee scale based on income. (Comprehensive Plan Objective 5, Policies 1 and 2)

12. The childcare facility shall be located in a manner such that children using the facility can obtain access to an outdoor play area from the facility via a trail or other pedestrian walkway (Comprehensive Plan Policy 21.M.215, c-1(a)).

13. A publicly accessible trail system shall be provided on the property. The trail system shall make connections from the eastern property line at Bellevue Community College to the Puget Power transmission line and SE 30th on the west; and from Kamber Road on the north to Eastgate Way on the south, with connections made to the Park and Ride lot. The trail system shall be consistent with the Development Standards current at the time of construction, and shall be constructed during the first phase of development. Dedication of easements shall coincide with the construction of the trails. (Comprehensive Plan, Parks and Recreation Element, Objective 1, Policy 7; Eastgate Subarea Plan; Parks, Open Space and Recreation Plan)

14. A neighborhood park of approximately five (5) acres shall be

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provided on the property. The park shall be centrally located and visually prominent from the north-south connector road. The park shall accommodate approximately two acres of open meadow, a children's play area, sport courts (tennis and outdoor basketball), benches and picnic facilities, all of which cannot be located in a wetland area. The exact combination of park features shall be determined during the Design Review process. The remainder of the park may include area left undisturbed in satisfaction of Sensitive Area Overlay District Requirements. The neighborhood park features shall be consistent with the Development Standards current at the time of construction, and shall be completed prior to construction of no more than 500,000 gross square feet of office.

The Parks Department shall assume design, operation and maintenance responsibility for the project. The cost for design and construction shall be borne by the owners, and the owners may assume responsibility for construction of the park to Park Department specifications. The Parks Department shall be responsible for obtaining conditional use permits and other land use approvals required in order to develop the park space. Suitable land for the park shall be provided by the applicant through an easement conveyed to the City for public use. (Comprehensive Plan, Parks and Recreation Element, Objective 2; Parks Plan)

15. A 5,000 to 6,000 square foot fitness center shall be provided for public use on the property. The fitness center shall include an aerobics and exercise area, shower, locker and restroom support facilities. The center shall be located in the proximity of the neighborhood park, and designed with visual character that will be recognizable as a public recreation facility. Signage shall be

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consistent with the signage design for the office and/or residential development, and with the Parks Development Standards.

The fitness center shall be consistent with the Development Standards current at the time of construction, and shall be completed prior to construction of no more than 750,000 gross square feet of office. The center shall be available for public access and use, and maintained and operated by the Parks Department or a designee of the Parks Department. (Comprehensive Plan, Parks and Recreation Element, Objective 2, Policy 3; Parks Plan)

16. The existing vegetation on the eastern property line shall be retained. The width of the retention buffer on the R-10 portion of the property shall be no less than the requirement for transition to a single family district current at the time of building permit application submittal. The buffer shall be no less than 30 feet in width on the OLB portion and shall average 40 feet in width on the OLB portion of the property. The stand of Douglas fir and Madrona trees on the southeast portion of the site shall be retained in a dimension at least 75 feet in width. The limits of the buffer shall be determined with the master plan review. A native growth protection easement shall be recorded for the buffer. (Comprehensive Plan Policy 21.V.1.240, 21.V.1.275 and Q-8)

17. A natural buffer a minimum of 30 feet in width, maintained and supplemented with evergreen plantings as needed to provide screening from Kamber Road, shall be provided on the north side of the property adjacent to Kamber Road. (Comprehensive Plan Policy 21.V.1.235)

18. Where supplemental plantings are required throughout the site, the planting material shall include and emphasize the use of native plant material high in wildlife value. Plantings directly adjacent to

8906120619

the public right-of-way and within surface parking areas may utilize more formal plant material. (Comprehensive Plan Policies 21.D.200.B.2 and Q-82)

19. A roadway connector is required between S.E. Eastgate Way and Kamber Road (north/south connector). The alignment shall be approved by the Public Works, Storm and Surface Water Utility and Design and Development Departments prior to final roadway engineering plan submittal. Preliminary design sufficient to establish the vertical and horizontal alignments of the connector and dedication of right-of-way shall be completed prior to the issuance of building permits for this site. The connector or roadway shall be located within the 60-foot wide right-of-way, and constructed to arterial standards as contained in the Development Standards current at the time of building permit application submittal. The phasing of completion of the north/south connector shall be determined at the initial design review.

20. A roadway connector (east-west connector) is required between Richards Road and the new north-south connector (east-west connector). Alignment shall be approved by the Public Works, Storm and Surface Water Utility, and Design and Development Departments prior to final roadway engineering plan submittal. Dedication of right-of-way and design of the connector shall be completed no later than approval for occupancy for no more than 200,000 square feet of office space. The connector roadway shall be located on 50-foot wide dedicated right-of-way, two lanes and constructed to standards as contained in the Development Standards current at time of building permit application submittal. The owners shall be responsible for constructing the east-west connector within the right-of-way fronting the Puget Sound Power and Light Company property to the west. The phasing of the completion of the east-west

8906120619

connector shall be determined at the Design Review. (Comprehensive Plan Policy 21.V.1.270)

Notwithstanding the foregoing, the City of Bellevue, not the owners, shall be responsible for acquiring any right-of-way or easements required to construct the East/West connector on property not owned by the applicant, and the inability of the City of Bellevue to obtain the necessary right-of-way or easements for construction of the connector shall not preclude the owners from obtaining building or occupancy permits for the site.

21. Off-site mitigation shall be addressed at the time of individual building permit application for each phase of construction.
(Comprehensive Plan Policy 21.M.210(C)4)

22. Before any permit is issued or authorized, Owners shall determine to the satisfaction of responsible Bellevue officials the location, if any, of any water pipeline, sewer or other conduit which may lie upon or below the surface of any part of the subject property. The owner of any such pipeline, conduit or sewer, if any, shall be notified of the owners' development plans and shall be given reasonable opportunity to examine the effect, if any, of any proposed permit, plan or other action which may adversely affect said owner's interest and shall be provided a reasonable time within which to cure said effect, if any.

23. In the event that any term or clause of this agreement conflicts with applicable law, such conflicts shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end the terms of this agreement are declared to be severable.

24. Any amendment or modifications of this agreement shall be valid

8906120619

only if mutually agreed upon by the City of Bellevue and the Owners (including heirs, assignees and successors to the Owners) in writing and recorded with the King County Department of Records and Elections.

25. In addition to all other remedies available to the City by law, the City reserves the right to initiate proceedings to revoke the rezoning of the property should the Owners fail to comply with any of the terms and conditions of this agreement.

26. The City may at its discretion bring a lawsuit to compel specific performance of the terms and conditions of this agreement.

27. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its power to rezone the property in future years.

28. The Owners agree to indemnify and save harmless the City of Bellevue from and against all claims, suits, damages, costs, losses and expenses in any manner resulting from, arising out of, or connected with the Owners' negligent performance of or failure to perform fully any term or condition of this agreement.

29. This agreement shall supersede and replace that certain concomitant zoning agreement adopted pursuant to Ordinance No. 2749 and given Clerk's Receiving No. 5576 and recorded under King County Recording No. 7909210921.

30. This agreement shall be binding on the heirs, assigns, and successors of the Owners of the property.

31. This agreement may be signed in counterpart by the respective Owners of the property.

8906120619

DATED this 6th day of June, 1989.

The person(s) whose names are
subscribed herein do hereby certify
that they are the sole holders of
fee simple interest in the above
described property:

OWNERS:

R.R. Lee, Sr.
R.R. Lee, Sr.

R.R. LEE, SR. LAND COMPANY

By R.R. Lee, Sr.
Its General Partner

SEATTLE UNIVERSITY

By W.J. Sullivan
Its President

FOREST RIDGE

By Sandra Thayer
Its Head of School

ST. JOSEPH'S CARMELITE MONASTERY

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

8906120619

DATED this 6th day of June, 1989.

The person(s) whose names are
subscribed herein do hereby certify
that they are the sole holders of
fee simple interest in the above
described property:

OWNERS:

R.R. Lee, Sr.

R.R. LEE, SR. LAND COMPANY

By _____
Its _____

SEATTLE UNIVERSITY

By _____
Its _____

FOREST RIDGE

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

By Mother Michael Marie
Its President

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

8906120619

DATED this 6th day of June, 1989.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simple interest in the above described property:

OWNERS:

R.R. Lee, Sr.
R.R. Lee, Sr.

R.R. LEE, SR. LAND COMPANY

By R.R. Lee, Sr.
Its General Partner

SEATTLE UNIVERSITY

By _____
Its _____

FOREST RIDGE

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By Ante Butler, S.P.
Its Treasurer

8906120619

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2nd day of June, 1989,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
R.R. Lee, Sr., to me known to be the General Partner
of R.R. LEE, SR. LAND COMPANY, the Partnership
that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said Partnership for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Shirley Jones
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond, WA
My appointment expires: 5-5-91

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2nd day of June, 1989,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
William J Sullivan, to me known to be the President
of SEATTLE UNIVERSITY, the Corporation
that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said Corporation for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Shirley Jones
NOTARY PUBLIC in and for the
State of Washington, residing
at Seattle
My appointment expires: 5-5-91

8906120619

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2nd day of JUNE, 1989,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Sandra Theunick, to me known to be the Head of
School of FOREST RIDGE, the entity
that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said entity for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Shirley Jones
NOTARY PUBLIC in and for the
State of Washington, residing
at REDMOND
My appointment expires: 5-5-91

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this ____ day of _____, 198____,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
_____, to me known to be the _____
_____ of ST. JOSEPH'S CARMELITE MONASTERY, the _____
_____ that executed the within and foregoing
instrument, and acknowledged the said instrument to be the free and
voluntary act and deed of said _____ for the uses
and purposes therein mentioned, and on oath stated that said individual
was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

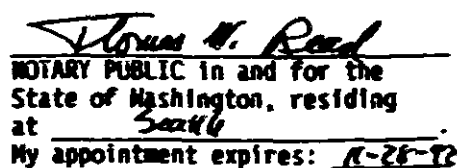
NOTARY PUBLIC in and for the
State of Washington, residing
at _____
My appointment expires: _____

6190219068

WITNESS my hand and official seal the day and year in this certificate first above written.

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

WITNESS my hand and official seal the day and year in this
certificate first above written.



8906120619

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2nd day of June, 1989,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Quik Butter SP, to me known to be the Manager
of SISTERS OF PROVIDENCE - PARISEAU ASSOCIATION,
the Association that executed the within and
foregoing instrument, and acknowledged the said instrument to be the
free and voluntary act and deed of said Association for
the uses and purposes therein mentioned, and on oath stated that said
individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Joan Sullivan
NOTARY PUBLIC in and for the
State of Washington, residing
at Smith
My appointment expires: 3/1/90

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this ____ day of _____, 198____.
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
_____, to me known to be the _____
of OUR LADY OF PERPETUAL HELP CHURCH, the
_____ that executed the within and
foregoing instrument, and acknowledged the said instrument to be the
free and voluntary act and deed of said _____ for
the uses and purposes therein mentioned, and on oath stated that said
individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
at _____
My appointment expires: _____

8906120619

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this _____ day of _____, 198____, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the _____ of SISTERS OF PROVIDENCE - PARISEAU ASSOCIATION, the _____ that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said _____ for the uses and purposes therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
at _____
My appointment expires: _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2 day of June, 1989, before me, the undersigned, a notary public in and for the State of ~~WASHINGTON~~ ^{ARIZONA}, duly commissioned and sworn, personally appeared Rev. Eugene Maguire, to me known to be the Pastor of OUR LADY OF PERPETUAL HELP CHURCH, the entity that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said entity for the uses and purposes therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

Reggie L. Morgan
NOTARY PUBLIC in and for the
State of ~~Washington~~ ^{Arizona}, residing
at Scottsdale
My appointment expires: Dec. 7, 1991

61906120619

WITNESS my hand and official seal the day and year in this
certificate first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
at Seattle
My appointment expires: 3/1/90

THIS IS TO CERTIFY that on this _____ day of _____, 19__
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
_____, to me known to be the _____
_____ of SACRED HEART CHURCH, the _____
_____ that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said _____ for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
at _____
My appointment expires: _____

8906120619

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this _____ day of _____, 198_____,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
_____, to me known to be the _____
_____ of MT. ST. VINCENT NURSING CENTER, the
_____ that executed the within and
foregoing instrument, and acknowledged the said instrument to be the
free and voluntary act and deed of said _____ for
the uses and purposes therein mentioned, and on oath stated that said
individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
at _____
My appointment expires: _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 5TH day of JUNE, 1987,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
John V. Russell, to me known to be the Pastoral Asst
for Administration of SACRED HEART CHURCH, the Church
_____ that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said _____ church for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

[Signature]
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond
My appointment expires: 5-5-91

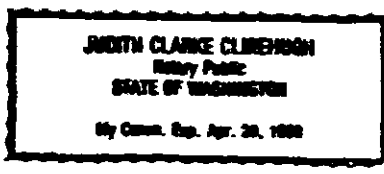
8906120619

6/12/89

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 2nd day of June, 1989,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Patrick J. Sarsely, to me known to be the Attorney-in-Fact
_____ of ST. EDWARD'S SEMINARY, the Corporation
_____ that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary act
and deed of said Corporation for the uses and purposes
therein mentioned, and on oath stated that said individual was
authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.



Judith Clarke Clurehugh
NOTARY PUBLIC in and for the
State of Washington, residing
at Federal Way
My appointment expires: 4/20/90

JUN 12 2 38 PM '89
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

RECEIVED THIS DAY

City of Bellevue
Office of the City Clerk
P.O. Box 90012
Bellevue, WA 98009-9012

CITY ATTORNEY'S OFFICE
CITY OF BELLEVUE
BOX 90012
BELLEVUE, WA 98009-9012

8906120619

Attachment 6

ORIGINAL

FILED NO. 19271
CITY OF BELLEVUE

DATE 6/29/93
DEPUTY CITY CLERK

WPD219C-MISC

AMENDMENT TO CONCOMITANT ZONING AGREEMENT

B. McCoy for 62454

WHEREAS, the City of Bellevue, Washington, a noncharter code city, under the laws of the State of Washington, has authority (chapter 35A.63 RCW and Article 11, Section 11 of the Washington State Constitution) to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, and thereby control the use and development of property within its jurisdiction; and

WHEREAS, the Owners of certain property have applied for a rezone of such property (hereinafter referred to as the property) described below which is within the City's jurisdiction; and

WHEREAS, the City of Bellevue Hearing Examiner has recommended that the approximately 82 acres of property located north of Eastgate Way, south of Kamber Road, west of Bellevue Community College and east of Puget Power transmission lines, which property is hereinafter more particularly described, be rezoned by modifying the conditions of that certain Concomitant Zoning Agreement adopted pursuant to Ordinance No. 4010 given Clerk's Receiving No. 14463; and

WHEREAS, the City pursuant to Chapter 43.21C RCW, the State Environmental Policy Act, may require the mitigation of any adverse impacts which might result because of the property rezone; and

WHEREAS, the Owners have indicated willingness to cooperate with the City of Bellevue to ensure compliance with the Bellevue Land Use Code, the Bellevue Environmental Procedures Code and all other local, state and federal laws relating to the use and development of the property; and

WHEREAS, the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Amendment to Concomitant Zoning Agreement;

38.00

330701-1387 11:13:00 AM KING COUNTY RECORDS 032 PM

9307011387

NOW, THEREFORE, in the event the property located north of Eastgate Way, south of Kamber Road, west of Bellevue Community College and east of Puget Power transmission lines, and more particularly described as:

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

- I. Lot 1: Lot 1 of that certain Boundary Line Adjustment No. 90-5248 recorded in King County, Washington under Recording No. 9012049030.
- A. Parcels 1, 2, 3, 4, and 5: Lots 1, 2, 3, 4 and 5, respectively, of that certain Binding Site Plan recorded in King County, Washington in Volume 154 of Plats, Pages 77-80 under Recording No. 9012180243.
- II. Lot 2: Lot 2 of that certain Boundary Line Adjustment No. 90-5248 recorded in King County, Washington under Recording No. 9012049030.
- A. Parcels 6, 7, 8, 9 and 10: Lots 6, 7, 8, 9 and 10, respectively, of that certain Binding Site Plan recorded in King County, Washington in Volume 154 of Plats, Pages 77-80 under Recording No. 9012180243.
- III. Lot 3: Lot 3 of that certain Boundary Line Adjustment No. 90-5248 recorded in King County, Washington under Recording No. 9012049030.
- IV. Lot 4: Lot 4 of that certain Boundary Line Adjustment No. 91-6989 recorded in King County, Washington under Recording No. 9109249009.
- V. Lot 5: Lot 5 of that certain Boundary Line Adjustment No. 91-6989 recorded in King County, Washington under Recording No. 9109249009.

is rezoned by the City of Bellevue from R-10 and OLB with conditions to R-10 and OLB with revised conditions and in full consideration of that event should it occur, the Owners do hereby covenant and agree to the following specific conditions:

1. Conditions 5, 6, 7, 8, 9 and 16 of that certain Concomitant Zoning Agreement adopted pursuant to Ordinance No. 4010, given Clerk's

Receiving No. 14463, and recorded in King County, Washington under Recording No. 8906120619, are hereby amended to read as follows:

5. Twenty percent (20%) of the total number of housing units constructed in the project shall be "affordable" to low and moderate income households in the ratio set forth in conditions 6 and 7 below. The definition of moderate and low income affordable units shall be as set forth in Land Use Code (LUC) 20.50.010.

6. The provision of the twenty percent (20%) affordable housing requirement shall be as follows:

a. Of the seventy-six (76) housing units to be built in the first residential phase, ten percent (10%) must be affordable units and may be set aside solely for moderate income households. The remaining required affordable units may be delayed until the second residential phase.

b. Twenty percent (20%) of the housing units built in the second residential phase must be affordable units. In addition, affordable units equal in number to twenty percent (20%) of the total number of housing units built in the first residential phase, less the actual number of affordable units built in that phase, shall be built in the second residential phase. Owners may elect to include any remaining required affordable housing units in the second residential phase.

c. The Owners shall involve a developer or other organization specifically in the business of affordable housing for the second residential phase of development.

d. If the twenty percent (20%) affordable housing requirement for the entire project has been provided in the first two

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residential phases, subsequent phases would not be required to provide additional affordable housing units.

7. The twenty percent (20%) affordable housing requirement shall be divided equally (10%/10%) between low and moderate income units, subject to the following:

a. The ten percent (10%) low income requirement shall be required only if financial subsidies to allow development of low income units rather than moderate income units are available to the Owners for the project.

b. The City shall have the responsibility to locate subsidies for the low income housing component of the project.

c. The City shall have until one-hundred and eighty (180) days prior to the Owners' obtaining construction financing to locate low income housing subsidies, or until November 1, 1993, whichever occurs later.

d. If the low income housing subsidies cannot be located within the time period specified in condition 7.c above, the low income housing requirement shall no longer be applicable and twenty percent (20%) of all housing units shall be for moderate income housing.

8. The affordable housing units provided pursuant to this agreement shall remain "affordable units" for the lifetime of the project. The provision for the total affordable units is required to occur on-site. The provisions of LUC 20.20.128.E; Alternative Compliance Methods, shall not apply to this site.

9. Before any building permit is issued, the Owners shall sign any necessary agreements with the City to implement the affordable

housing requirements set forth in this agreement. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing Owners to obtain financing for development of the property, consistent with any applicable provision of the Land Use Code in effect at the time the permit(s) is issued; provided however, that the City shall effect said subordination in the event a Federal financing program is to be used and said program requires, by statute, rule or decisional law, such subordination as a condition for financing.

16. The existing vegetation on the eastern property line shall be retained. The width of the retention buffer on the R-10 portion of the property shall be no less than the requirement for transition to a single family district current at the time of Building Permit application submittal. The buffer shall be no less than 30 feet in width on the OLB portion and shall average 40 feet in width on the OLB portion of the property. The stand of Douglas Fir and Madrona trees on the southeast portion of the site shall be retained in a dimension of at least 75 feet in width. The limits of the buffer shall be determined with the Master Plan review. A Native Growth Protection Easement shall be recorded for the buffer. Provided, however, that Owner may seek approval of the Design and Development Department for construction and maintenance of an access road through the Native Growth Protection Easement and, provided further, that consideration of such approval shall require appropriate and effective means of abatement of noise, light and glare which could affect surrounding uses and property and, provided further, that in no event shall any such access road, except

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for required emergency access, connect with any thoroughfare on the property of Bellevue Community College. Such access will be allowed only if its design demonstrates protection and preservation of the treed skyline and if it adequately buffers the subject property from adjacent properties and uses.

2. In the event that any term or clause of this agreement conflicts with applicable law, such conflicts shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end the terms of this agreement are declared to be severable.

3. Any amendment or modification of this agreement shall be valid only if mutually agreed upon by the City of Bellevue and the Owners (including heirs, assignees and successors of the Owners) in writing and recorded with the King County Division of Records and Elections.

4. In addition to all other remedies available to the City by law, the City reserves the right to initiate proceedings to revoke the rezoning of the property should the Owners fail to comply with any of the terms and conditions of this agreement.

5. The City may at its discretion bring a lawsuit to compel specific performance of the terms and conditions of this agreement.

6. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its power to rezone the property in future years.

7. The Owners agree to indemnify and save harmless the City of Bellevue from and against all claims, suits, damages, costs, losses and expenses in any manner resulting from, arising out of, or connected with the

Owners negligent performance of or failure to perform fully any term or condition of this agreement.

8. Except as expressly amended herein all other terms and conditions of that certain Concomitant Zoning Agreement adopted pursuant to Ordinance No. 4010, given Clerk's Receiving No. 14463 and recorded in King County, Washington under Recording No. 8906120619 shall remain in full force and effect.

9. This agreement shall be binding on the heirs, assigns, and successors of the Owners of the property.

10. This agreement may be signed in counterpart by the respective Owners of the property.

11. This agreement shall be recorded in the King County Division of Records and Elections.

DATED this _____ day of _____, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simple interest in the above described property:

OWNERS:

R.R. Lee, Sr.

R.R. LEE, SR. LAND COMPANY

By _____
Its _____

SEATTLE UNIVERSITY

By _____
Its _____

FOREST RIDGE

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

By _____
Its _____

SISTERS OF PROVIDENCE-PARISTEAU
ASSOCIATION

By _____
Its _____

OUR LADY OF PERPETUAL HELP CHURCH

By _____
Its _____

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

SACRED HEART CHURCH

By _____
Its _____

9307011387

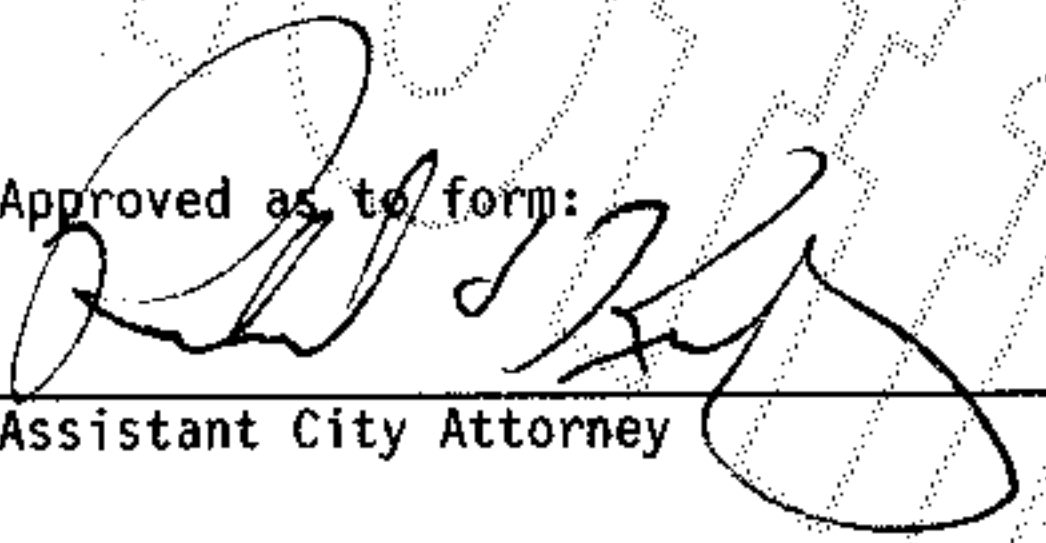
ST. EDWARD'S SEMINARY

By _____
Its _____

SUNSET OFFICE LIMITED PARTNERSHIP

By _____
Its _____

Approved as to form:


Assistant City Attorney

9307011387

DATED this 18TH day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

R.R. Lee Sr.
R.R. Lee, Sr.

OUR LADY OF PERPETUAL HELP
CHURCH

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By R.R. Lee Sr.
Its GENERAL PARTNER

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

9307011387

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

THIS IS TO CERTIFY that on this 18th day of JUNE, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
R.R. LEE, SR., to me known to be the INDIVIDUAL ~~of~~
R.R. LEE, SR. the INDIVIDUAL that executed the within and
foregoing instrument, and acknowledged the said instrument to be
the free and voluntary act and deed of said INDIVIDUAL
for the uses and purposes therein mentioned, and on oath stated
that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.



Shirley M. Jonas
NOTARY PUBLIC in and for the State
of Washington, residing at
REDMOND.

My appointment expires: 3-5-95.

9307011387

DATED this 18TH day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

R.R. Lee Sr.
R.R. Lee, Sr.

OUR LADY OF PERPETUAL HELP
CHURCH

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By R.R. Lee Sr.
Its GENERAL PARTNER

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

9307011387

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 18th day of JUNE, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
R.R. LEE, SR., to me known to be the General Partner of
R.R. LEE, SR. LAND COMPANY, the PERSON that executed the
within and foregoing instrument, and acknowledged the said
instrument to be the free and voluntary act and deed of said
PERSON for the uses and purposes therein mentioned,
and on oath stated that said individual was authorized to execute
said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.



Shirley M. Jonas
NOTARY PUBLIC in and for the State
of Washington, residing at
REDMOND.

My appointment expires: 3-5-95.

9307011387

DATED this 21st day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By

Its

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By

Its

By

Its

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By

Its

By

Its

FOREST RIDGE

ST. EDWARD'S SEMINARY

By

Its

By

Its

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By

Its

By

Its

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By

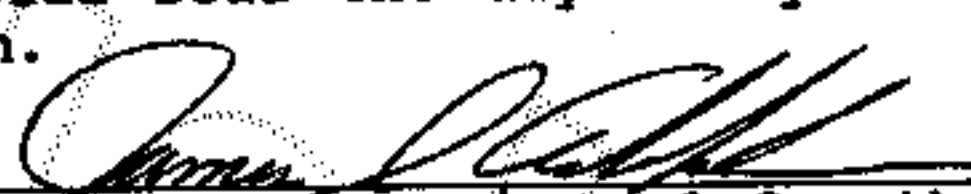
Its

9307011387

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 21st day of June, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
W.J. Sullivan SJ., to me known to be the President of
SEATTLE UNIVERSITY, the person that executed the within
and foregoing instrument, and acknowledged the said instrument to
be the free and voluntary act and deed of said person
for the uses and purposes therein mentioned, and on oath stated
that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.


NOTARY PUBLIC in and for the State
of Washington, residing at
Seattle.

My appointment expires: 9/23/95.

9307011387

DATED this 17th day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By Suzanne Cooke
Its Head of School

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION


By _____
Its _____

9307011387

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 17th day of JUNE, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
SUZANNE COOKE, to me known to be the Head of School of
FOREST RIDGE, the PERSON that executed the within and
foregoing instrument, and acknowledged the said instrument to be
the free and voluntary act and deed of said PERSON
for the uses and purposes therein mentioned, and on oath stated
that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.


NOTARY PUBLIC in and for the State
of Washington, residing at
REDMOND.

My appointment expires: 3-5-95.



9307011387

DATED this 18TH day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By

Its

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By

Its

By

Its

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By

Its

By

Its

FOREST RIDGE

ST. EDWARD'S SEMINARY

By

Its

By

Its

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By

Mother Michael Marie
President

By

Its

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By

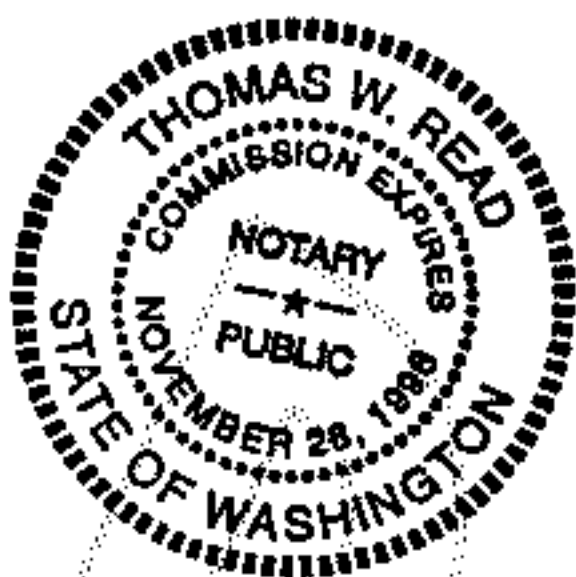
Its

9307011387

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

THIS IS TO CERTIFY that on this 18th day of June, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Mother ~~Marie~~ Michael Marie, to me known to be the President of
ST. JOSEPH'S CARMELITE MONASTERY, the Corporation that
executed the within and foregoing instrument, and acknowledged the
said instrument to be the free and voluntary act and deed of said
Corporation for the uses and purposes therein mentioned,
and on oath stated that said individual was authorized to execute
said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.



Thomas W. Read
NOTARY PUBLIC in and for the State
of Washington, residing at
Seattle

My appointment expires: 11-28-98.
Thomas W. Read

9307011387

9307011387

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

By

Its

MT. ST. VINCENT NURSING CENTER

By

Its

By

Its

SACRED HEART CHURCH

By

Its

By

Its

ST. EDWARD'S SEMINARY

By

Its

By

It is

**SUNSET OFFICE LIMITED
PARTNERSHIP**

By

Its

Bv

Its

BY

Its

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 17th day of June, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Sister Patricia Vartenas S.P., to me known to be the Treasurer of
MT. ST. VINCENT NURSING CENTER, the person that executed
the within and foregoing instrument, and acknowledged the said
instrument to be the free and voluntary act and deed of said
Mt. St. Vincent Nursing Center for the uses and purposes therein mentioned,
and on oath stated that said individual was authorized to execute
said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Charlotte P. Clark
NOTARY PUBLIC in and for the State
of Washington, residing at
Seattle

My appointment expires: 8-14-96.

9307011387

DATED this 17th day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

R.R. Lee, Sr.

R.R. LEE, SR. LAND COMPANY

By _____
Its _____

SEATTLE UNIVERSITY

By _____
Its _____

FOREST RIDGE

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

OUR LADY OF PERPETUAL HELP
CHURCH

By Rev. Eugene Maguire
Its Pastor

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

SACRED HEART CHURCH

By _____
Its _____

ST. EDWARD'S SEMINARY

By _____
Its _____

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

9307011387

STATE OF ARIZONA)

COUNTY OF Maricopa)

SS

THIS IS TO CERTIFY that on this 17th day of June, 1993, before me, the undersigned, a notary public in and for the State of Arizona, duly commissioned and sworn, personally appeared Rev. Eugene Maguire to me known to be the Pastor of OUR LADY OF PERPETUAL HELP CHURCH, the _____ that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said _____ for the uses and purposes therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

Susan A. Corbin
NOTARY PUBLIC in and for the State
of Arizona, residing at
Scottsdale.

My appointment expires: 11-26-93.



9307011387

DATED this 17th day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

By Sister Patricia Vartanian, SP
Its Treasurer

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By Sister Patricia Vartanian, SP
Its Treasurer

9307011387

STATE OF WASHINGTON)

) SS

COUNTY OF KING)

THIS IS TO CERTIFY that on this 17th day of June, 1993, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Sister Patricia Vartanian, S.P., to me known to be the Treasurer of SISTERS OF PROVIDENCE - PARISEAU ASSOCIATION, the person that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Pariseau Association for the uses and purposes therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

Charlotta P. Clark
NOTARY PUBLIC in and for the State
of Washington, residing at

Seattle

My appointment expires: 8-14-96.

9307011387

DATED this 18TH day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By J. Russell
Its Pastoral Assistant, Administration

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

9307011387

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

THIS IS TO CERTIFY that on this 18th day of JUNE, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
J.V. Russell, to me known to be the PASTORAL Asst., Administrator of
SACRED HEART CHURCH, the PERSON that executed the within
and foregoing instrument, and acknowledged the said instrument to
be the free and voluntary act and deed of said PERSON
for the uses and purposes therein mentioned, and on oath stated
that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.



Shirley Jonas
NOTARY PUBLIC in and for the State
of Washington, residing at
REDMOND.

My appointment expires: 3-5-95.

9307011387

DATED this 17TH day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By Alberta L. Horn
Its Attorney in fact

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By _____
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

9307011387

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

THIS IS TO CERTIFY that on this 17th day of June, 1993,
before me, the undersigned, a notary public in and for the State of
Washington, duly commissioned and sworn, personally appeared
Alberta L. Horn, to me known to be the attorney in fact of
ST. EDWARD'S SEMINARY, the Corporation that executed the
within and foregoing instrument, and acknowledged the said
instrument to be the free and voluntary act and deed of said
Corporation for the uses and purposes therein mentioned,
and on oath stated that said individual was authorized to execute
said instrument.

WITNESS my hand and official seal the day and year in this
certificate first above written.

Lucile Ann Hagen
NOTARY PUBLIC in and for the State
of Washington, residing at
Lynnwood.

My appointment expires: 8-1-95.

LUCILE ANN HAGEN
STATE OF WASHINGTON
NOTARY --- PUBLIC
My Commission Expires 8-1-95

9307011387

DATED this 23rd day of June, 1993.

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simply interest in the above described property:

OWNERS:

OUR LADY OF PERPETUAL HELP
CHURCH

R.R. Lee, Sr.

By _____
Its _____

R.R. LEE, SR. LAND COMPANY

MT. ST. VINCENT NURSING CENTER

By _____
Its _____

By _____
Its _____

SEATTLE UNIVERSITY

SACRED HEART CHURCH

By _____
Its _____

By _____
Its _____

FOREST RIDGE

ST. EDWARD'S SEMINARY

By _____
Its _____

By _____
Its _____

ST. JOSEPH'S CARMELITE MONASTERY

SUNSET OFFICE LIMITED
PARTNERSHIP

By _____
Its _____

By see attached signature page
Its _____

SISTERS OF PROVIDENCE-PARISEAU
ASSOCIATION

By _____
Its _____

9307011387

LANDLORD: Sunset Office Limited Partnership
a Washington limited partnership

By: WRC Sunset Limited Partnership
a Washington limited partnership,
Its General Partner

By : Wright Runstad Associates Limited Partnership,
a Washington limited partnership
Its General Partner

By: Wright Runstad & Company
a Washington corporation,
Its General Partner

By:  _____

Its: H. Jon Runstad
President and
Chief Executive Officer

9307011387

LANDLORD ACKNOWLEDGEMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

THIS IS TO CERTIFY that on this 23rd day of June, 1993, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally appeared H. Jon Runstad, to me known to be the President and CEO of WRIGHT RUNSTAD & COMPANY, a corporation, to me known to be the general partner of WRIGHT RUNSTAD ASSOCIATES LIMITED PARTNERSHIP, a limited partnership, to me known to be the general partner of WRC SUNSET LIMITED PARTNERSHIP, a limited partnership, to me known to be a general partner of SUNSET OFFICE LIMITED PARTNERSHIP, the Washington limited partnership that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation and partnerships for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

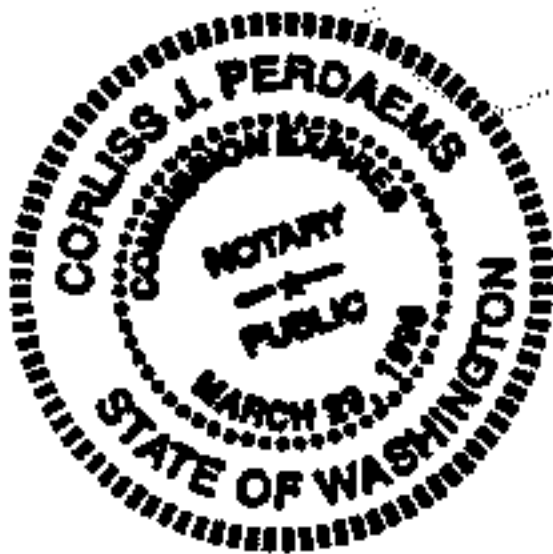
WITNESS my hand and official seal the day and year in this certificate first above written.

Corliss J. Perdaems signed

Corliss J Perdaems printed

Notary public in and for the State of Washington,
residing at Seattle

My appointment expires 3/29/96



9307011387

Attachment 7

FILED NO. 2246
CITY OF BELLEVUE

AMENDMENT TO CONCOMITANT ZONING AGREEMENT

M. Reese
CITY CLERK'S OFFICE

11/8/95
old 4809

WHEREAS, the City of Bellevue, Washington, a noncharter code city, under the laws of the State of Washington, has authority (chapter 35A.63 RCW and Article 11, Section 11 of the Washington State Constitution) to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, and thereby control the use and development of property within its jurisdiction; and

WHEREAS, the Owners of certain property have applied for an amendment to certain rezone conditions on property previously rezoned by the City (hereinafter referred to as the property) described below which is within the City's jurisdiction; and

WHEREAS, the City of Bellevue Hearing Examiner has recommended that certain rezone conditions affecting the approximately 82 acres of property located north of I-90 and west of Bellevue Community College, which property is hereinafter more particularly described, as set forth in those certain Concomitant Zoning Agreements adopted pursuant to Ordinance Nos. 4010 and 4541, respectively, given Clerk's Receiving Nos. 14463 and 19271, respectively, be modified; and

WHEREAS, the City pursuant to Chapter 43.21C RCW, the State Environmental Policy Act, may require the mitigation of any adverse impacts which might result because of the property rezone; and

WHEREAS, the Owners have indicated willingness to cooperate with the City of Bellevue to ensure compliance with the Bellevue Land Use Code, the Bellevue Environmental Procedures Code and all other local, state and federal laws relating to the use and development of the property; and

WHEREAS, the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Amendment to Concomitant Zoning Agreement;

NOW, THEREFORE, in the event the recommendation of the Hearing Examiner of the City of Bellevue, dated June 12, 1995, regarding the property located north of Eastgate Way, south of Kamber Road, west of Bellevue

ORIGINAL

9512190322

24.00

RTD

018

RECORDS

10:28:00 AM

951219-0322

Community College and east of Puget Power transmission lines, and more particularly described as:

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

- A. Lot 2: Lot 2 of that certain Boundary Line Adjustment No. 90-5248 recorded in King County, Washington under Recording No. 9012049030.

Parcels 6, 7, 8, 9 and 10: Lots 6, 7, 8, 9 and 10, respectively, of that certain Binding Site Plan recorded in King county, washington in Volume 154 of Plats, Pages 77-80 under Recording No. 9012180243.

- B. Lot 3: Lot 3 of that certain Boundary Line Adjustment No. 90-5248 recorded in King County, Washington under Recording No. 9012049030.

- C. Lot 4: Lot 4 of that certain boundary Line Adjustment No. 94-9685 recorded in King County, Washington under Recording No. 9502289003.

Situate in the City of Bellevue, County of King, State of Washington.

is approved by Ordinance of the City of Bellevue, as said recommendation may be modified by the City Council, and in full consideration of that event should it occur, the Owners do hereby covenant and agree to the following specific conditions:

- 1.A. Condition 20 of the Concomitant Zoning Agreement approved by Ordinance No. 4010 is deleted. A new Condition 20 is added, to read:

The property owner shall construct a private, maintenance access road to the on-site storm water detention pond, which is located adjacent to SE 30th Street on the western edge of the site. The maintenance road will not be developed to public street standards and will be the minimum width necessary for the purpose of providing maintenance access. Location and construction specifications will be subject to approval of the City of Bellevue Transportation Department.

- B. Condition 5 of the Concomitant Zoning Agreement approved by Ordinance No. 4010, as last amended by Ordinance No. 4541, is amended to read:

5.(a) Ten percent (10%) of the total number of housing units constructed in the project shall be "affordable" to moderate income

households as that term is defined in the Bellevue Land Use Code or as the definition of that term is hereafter amended.

(b) An additional ten percent (10%) of the housing units constructed in the project shall be priced as median income affordable housing units. These units will be priced at 100 percent of median income, but may be priced at 105 percent of median income on submission of information acceptable to the City that development costs warrant the 105 percent pricing. The price of the median income affordable units shall be set at issuance of the building permit. The median income priced units shall not be subject to any limitation contained in LUC 20.20.128, including any requirement for resale restrictions, or to any administrative rule administered by the City to implement the provisions of LUC 20.20.128.

(c) The applicant shall be required to provide 1, 2 and 3 bedroom housing units affordable to moderate and median income households in the same proportion that 1, 2 and 3 bedroom housing units are provided in the market rate units constructed in this project.

C. Conditions 6 and 7 of the Concomitant Zoning Agreement approved by Ordinance No. 4010, last amended by Ordinance No. 4541, are deleted.

A new Condition 6 shall be added, to read:

6. The provision of the requirement for 10 percent moderate income affordable housing and ten percent median income affordable housing shall be as follows: Of the seventy-one (71) housing units to be built in the first residential phase, ten percent must be moderate income affordable units and no median income affordable units are required. Provision of the remaining required moderate and median income affordable units (for a total of twenty percent of the total number of all housing units in the project) shall be in succeeding residential phases.

D. Condition 3 of the Concomitant Zoning Agreement approved by Ordinance No. 4010 is amended to read:

3. A project phasing plan shall be submitted as part of a required master plan for the entire site with the first design review application. Design Review may occur in phases for all or part of the property.

If Applicant sells, assigns or transfers its interest in the residential element of the subject property, it will continue to assist the purchaser, assignee or transferee in development and

9512190322

approval of a binding site plan for development of the remaining residential units and will assist in design and marketing of such units, including the affordable housing units. In the event the purchaser does not close the purchase assignment or transfer of any phase of the residential development, the Applicant will then either involve a low income housing developer to develop the remaining required affordable housing units or, at the request of the City, offer to sell to the City its remaining interest in such portion of the property for the construction of the then remaining required affordable housing units at the then-market rate for such property with such limitations on said property as may be imposed by the 1989 Concomitant Zoning Agreement as it may then exist, but at a price not less than the land cost and reasonably-attributable costs of development to that date. The City may assign its rights under this provision.

2. In the event that any term or clause of this agreement conflicts with applicable law, such conflicts shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end the terms of this agreement are declared to be severable.

3. Any amendment or modification of this agreement shall be valid only if mutually agreed upon by the City of Bellevue and the Owners (including heirs, assignees and successors of the Owners) in writing and recorded with the King County Division of Records and Elections.

4. In addition to all other remedies available to the City by law, the City reserves the right to initiate proceedings to revoke the rezoning of the property should the Owners fail to comply with any of the terms and conditions of this agreement.

5. The City may at its discretion bring a lawsuit to compel specific performance of the terms and conditions of this agreement.

6. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its power to rezone the property in future years.

7. The Owners agree to indemnify and save harmless the City of Bellevue from and against all claims, suits, damages, costs, losses and expenses in

any manner resulting from, arising out of, or connected with the Owners negligent performance of or failure to perform fully any term or condition of this agreement.

8. Except as expressly amended herein all other terms and conditions of those certain Concomitant Zoning Agreement adopted pursuant to Ordinance Nos. 4010 and 4541, given Clerk's Receiving Nos. 14463 and 19271, and recorded in King County, Washington under Recording Nos. 8906120619 and 9307011387 shall remain in full force and effect.

9. This agreement shall be binding on the heirs, assigns, and successors of the Owners of the property.

10. This agreement may be signed in counterpart by the respective Owners of the property.

11. This agreement shall be recorded in the King County Division of Records and Elections.

DATED this 11th day of October, 1995.

9512190322

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simple interest in the above described property:

OWNERS:

R.R. Lee Sr.
R.R. Lee, Sr.

R.R. Lee, Sr., Land Company

By: R. R. Lee, Sr. R.R. Lee Sr.

Its: General Partner

Seattle University

By: A.J. Sullivan

Its: President

Forest Ridge

By: Suzanne Cooke

Its: Head of School

St. Joseph's Carmelite Monastery

By: _____

Its: _____

Sisters of Providence - Paristeau Association

By: Sister Patricia Vartanen, SP

Its: Treasurer

9512190322

The person(s) whose names are subscribed herein do hereby certify that they are the sole holders of fee simple interest in the above described property:

OWNERS:

R.R. Lee, Sr.

R.R. Lee, Sr., Land Company

By: _____

Its: _____

Seattle University

By: _____

Its: _____

Forest Ridge

By: _____

Its: _____

St. Joseph's Carmelite Monastery

By: Mother Michael Marie

Its: President

Sisters of Providence - Paristeau Association

By: _____

Its: _____

9512190322

Our Lady of Perpetual Help Church

By: Rev William Namy

Its: Pastor

Mt. St. Vincent Nursing Center

By: Sister Patricia Vartanians

Its: Treasurer

Sacred Heart Church

By: [Signature]

Its: Pastoral Assistant Admin.

St. Edward's Seminary

By: [Signature]

Its: Patrick J. Sursely Attorney-in-Fact

Wright-Runstad Associates Limited Partnership, a Washington partnership,
By Wright-Runstad & Company, Inc.
Its General Partner

By: [Signature]

Its: Exec. Vice President

9512190322

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that R.R. LEE, SR. is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be said person's free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 14th day of September, 1995.



Shirley Jonas
(Signature of Notary)

SHIRLEY JONAS

(Legally Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at REDMOND

My appointment expires 3-5-99

9512190322

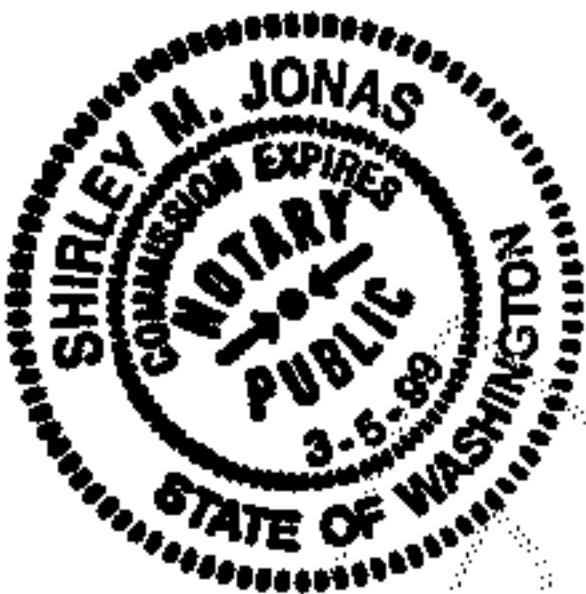
STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that R.R. Lee, Sr. is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the general partner of R.R. LEE, SR., LAND COMPANY, to be the free and voluntary act of such person for the uses and purposes mentioned in the instrument.

Dated this 14th day of September, 1995.



Shirley Jonas
(Signature of Notary)

Shirley JONAS
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Washington, residing at REDMOND

My appointment expires 3-5-99

9512190322

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that William J. Sullivan Jr. is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the President of SEATTLE UNIVERSITY, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 21st day of September, 1995.


(Signature of Notary)

James I. Adolphson

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Washington, residing at Seattle

My appointment expires 9-23-99

9512190322

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Suzanne Cooke, rsc is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the HEAD of School of FOREST RIDGE, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 4th day of OCTOBER, 1995.



Shirley Jonas
(Signature of Notary)

SHIRLEY JONAS
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at REDMOND

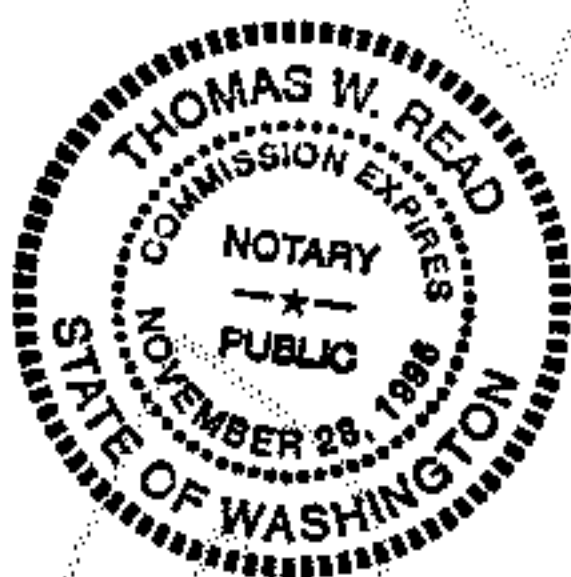
My appointment expires 3-5-99

9512190322

STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Mother Michael Moore is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the president of ST. JOSEPH'S CARMELITE MONASTERY, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 6th day of September, 1995.



Thomas W. Read

(Signature of Notary)

Thomas W. Read

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Seattle

My appointment expires 11-28-96

9512190322

STATE OF WASHINGTON)

COUNTY OF KING)

ss.

I certify that I know or have satisfactory evidence that Sister Patricia Vartanian is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Treasurer of SISTERS OF PROVIDENCE - PARISTEAU ASSOCIATION, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 26th day of September, 1995.

Charlotte P. Clark

(Signature of Notary)

Charlotte P. Clark

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Seattle

My appointment expires 8-14-96

9512190322

ARIZONA
STATE OF ~~WASHINGTON~~)
MARICOPA) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Rev. William Healy is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Pastor of OUR LADY OF PERPETUAL HELP CHURCH, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

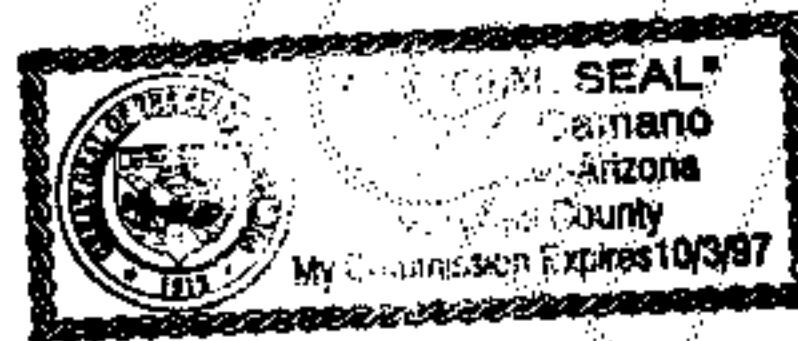
Dated this 19 day of September, 1995.

Marge K. Camano
(Signature of Notary)

Marge K. Camano

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Arizona
My appointment expires



9512190322

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Sister Patricia Vartenian is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Treasurer of MT. ST. VINCENT NURSING CENTER, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 26th day of September, 1995.

Charlotte P. Clark

(Signature of Notary)

Charlotte P. Clark

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Seattle

My appointment expires 8-14-96

9512190322

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that J. V. Russell is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the PASTORAL ASST. FOR ADMIN. of SACRED HEART CHURCH, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 25th day of September, 1995.



Shirley Jonas
(Signature of Notary)

Shirley JONAS
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at REDMOND

My appointment expires 3-5-99

9512190322

STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Patrick J. Sursely is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the attorney-in-fact of ST. EDWARD'S SEMINARY, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 29th day of September, 1995.

LUCILE ANN HAGEN
STATE OF WASHINGTON
NOTARY --- PUBLIC

MY COMMISSION EXPIRES 8-01-99

Lucile Ann Hagen
(Signature of Notary)

Lucile Ann Hagen
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Lynnwood

My appointment expires 8-1-99

9512190322

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Jon F. Noadby is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as Executive Vice President of Wright Runstad & Company, a Washington corporation, the general partner of WRIGHT RUNSTAD ASSOCIATES LIMITED PARTNERSHIP, to be the free and voluntary acts of such corporation and partnership for the uses and purposes mentioned in the instrument.

Dated this 14th day of October, 1995.

Jardima Kroeker
(Signature of Notary)

Jardima Kroeker
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of
Washington, residing at Tukwila

My appointment expires 5/25/98

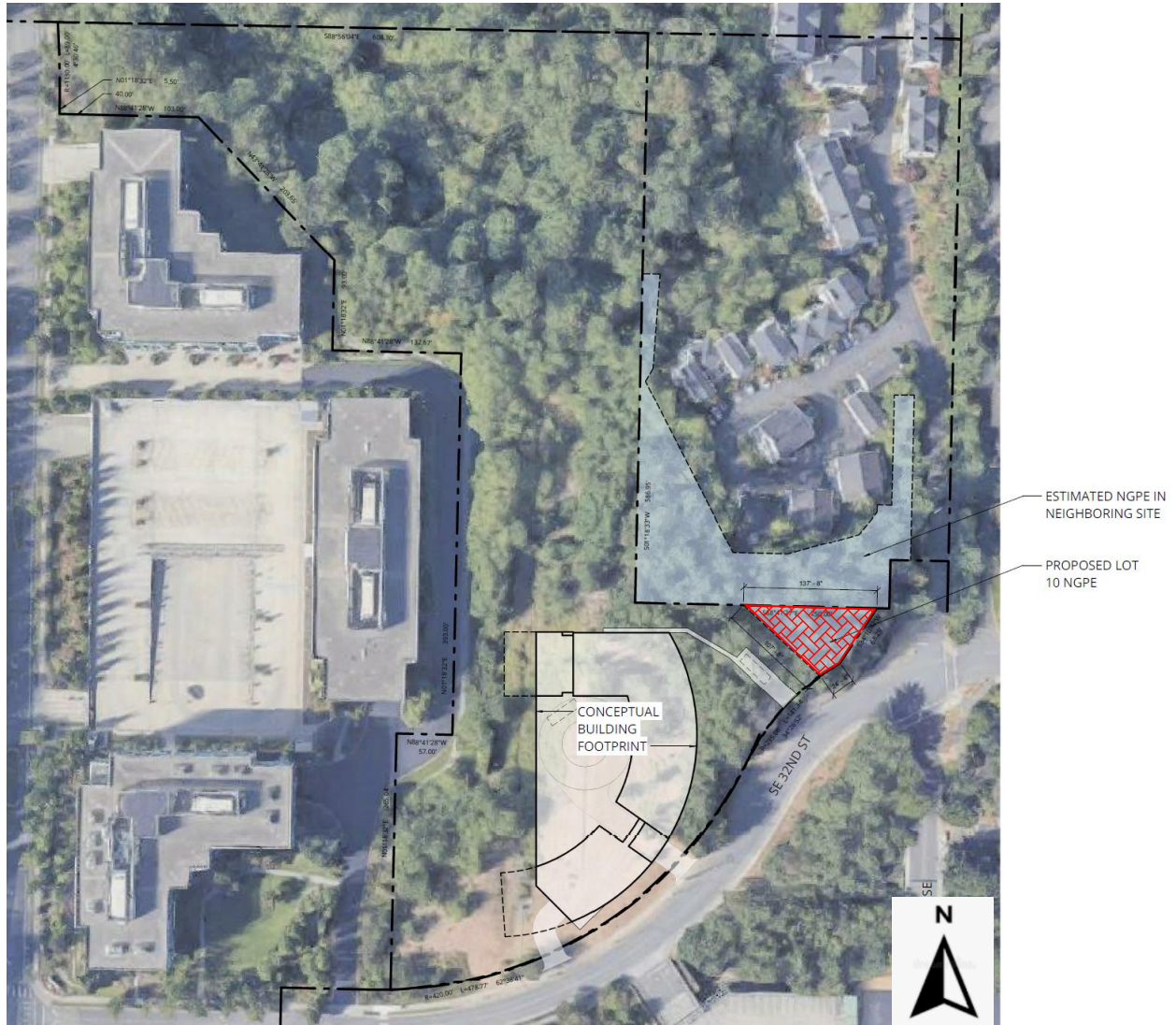


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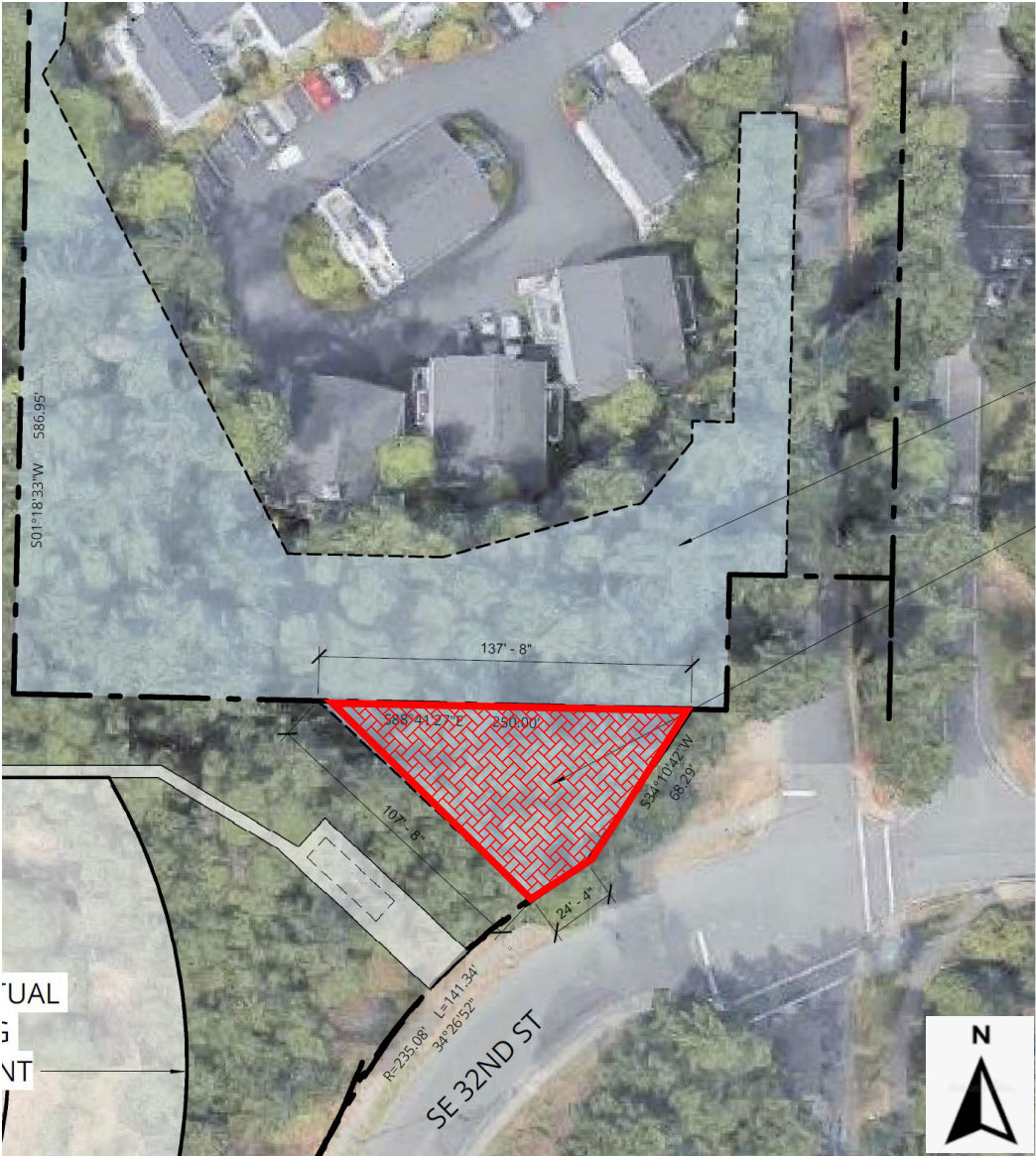
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Attachment 8

Proposed NGPE (full site view)



Proposed NGPE (zoomed in view)



MEMORANDUM

Date:	February 5, 2020	TG:	1.20002.00
To:	Molly Johnson, PE, City of Bellevue		
From:	Michael Swenson, PE, PTOE & Darwin Li, PE – Transpo Group		
cc:	Dan Lipnick, M-M Properties		
Subject:	Bellevue Lot 10 Rezone Traffic Analysis		

This memorandum summarizes the traffic analysis conducted for the proposed rezone of the Bellevue Lot 10 project located in Eastgate neighborhood in Bellevue, Washington. An overview of the proposed project description, estimated trip generation, operations analyses methodology and findings, and conclusions are provided in the following section. The scope of this analysis and methodology utilized for the analysis is consistent with previous rezone studies conducted in the Eastgate area.

Project Description

The project site's address is 3002 139th Avenue SE, 98007 and is located west of Snoqualmie River Road and directly north and adjacent to the Eastgate Park and Ride in the Eastgate neighborhood. The site is currently vacant. Under the proposed rezone, the future development could include a variety of uses such as a hotel, residential market rate, residential student housing, or any allowed use in the zone. For purposes of this analysis, a 250 mid-rise multifamily unit project was assumed. Other alternatives such as student housing would have lower trip rates than conventional housing options. As such the traffic analysis was conducted assuming the market rate residential use. The density assumed in this analysis is based on conceptual plans that take into account numerous site constraints. The specific development yield would be defined through the design review process. The site location is shown in Figure 1.

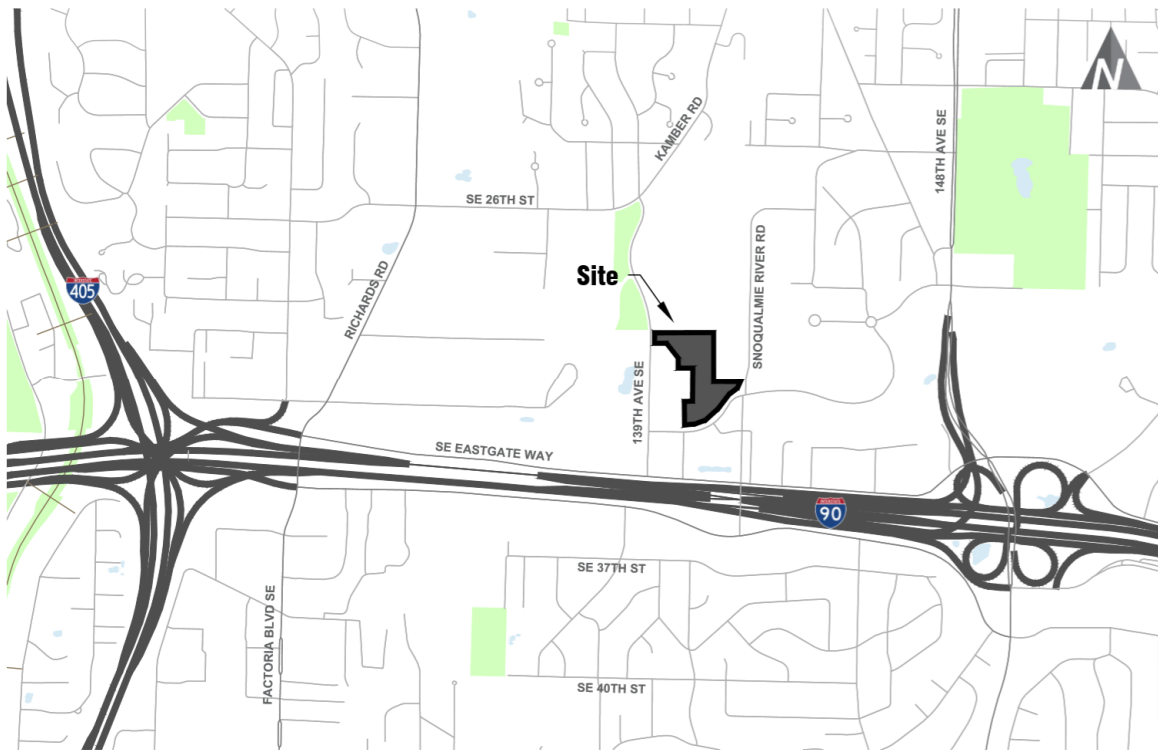


Figure 1. Site Vicinity

Trip Generation

Trip generation for the residential use was estimated based on current trip rates from the *Transportation Impact Fee Rates & Trip Rates* by the City of Bellevue, effective 1/1/2020. The development is located adjacent to the Eastgate Park and Ride. As such, based on conversations with City staff, the Multi-Family Mid-Rise – Downtown/TOD land use trip generation rates were applied to the project. For Land Use #222 (Downtown/TOD), a trip rate of 0.19 trips per dwelling unit is referenced during the PM peak hour. The inbound percentage of 61 percent was referenced from the *Trip Generation Handbook*, ITE, 10th Edition (2017). Table 1 below summarizes the estimated net trip generation of the proposed residential use.

Table 1. Trip Generation (PM Peak Hour)					
Land Use	Rate	In %	Inbound	Outbound	Total Trips
Multifamily (Mid-Rise) (Downtown or TOD)	250 DU	61%	29	19	48

As shown in Table 1, the residential development is estimated to generate 48 net new PM peak hour trips; with 29 inbound and 19 outbound during the peak hour.

Analysis Methodology

The transportation analysis conducted to evaluate the potential impacts associated with this proposed rezone was prepared consistent with the methodology presented in the *Eastgate Transportation Study* (June 27, 2019) and the recently submitted Eastgate Office Rezone Project¹. That analysis was primarily focused on vehicle level of service (LOS) per Bellevue's Multimodal

¹ *Eastgate Office Rezone Analysis Memorandum*. October 8, 2019. Transpo Group.

Level of Service (MMLOS) Metrics, Standards and Guidelines. In general, the study reports Volume/Capacity ratios (V/C) for individual intersections and average vehicle speeds along key corridors within the Eastgate study area. The following describes the key methodology and analysis assumptions.

VISSIM Model

The analysis conducted for the Eastgate Transportation Study utilized VISSIM, a microscopic simulation model. The City of Bellevue's Baseline 2035 PM Peak Hour VISSIM model was obtained from the City's consultant team and was used for the following:

- Obtaining future baseline 2035 traffic volumes
- Referencing future travel patterns as a basis for assigning and distributing the net new project trips throughout the network
- Analyzing average vehicular speeds.

Volume to Capacity Ratio (V/C) Measurements

2035 Baseline V/C ratios for the study intersections were referenced from *Eastgate Transportation Study*. The V/C was calculated using the methodologies defined in the *Highway Capacity Manual* (HCM) using Synchro 10.0.

Study Area

The study area consisted of 4 study intersections analyzed for V/C and 2 corridors analyzed for average vehicular travel speeds. The corridors selected were based on review of the *Eastgate Transportation Study* as well as additional consideration for key corridors that may be impacted by the project. Figure 2 illustrates the study area and includes the study intersections in which project trips are expected to impact and also overlap with the City's VISSIM model. Additional intersections were included in the VISSIM model, however, due to the distribution and assignment of the project traffic they were not included in the summary of intersection v/c ratios.

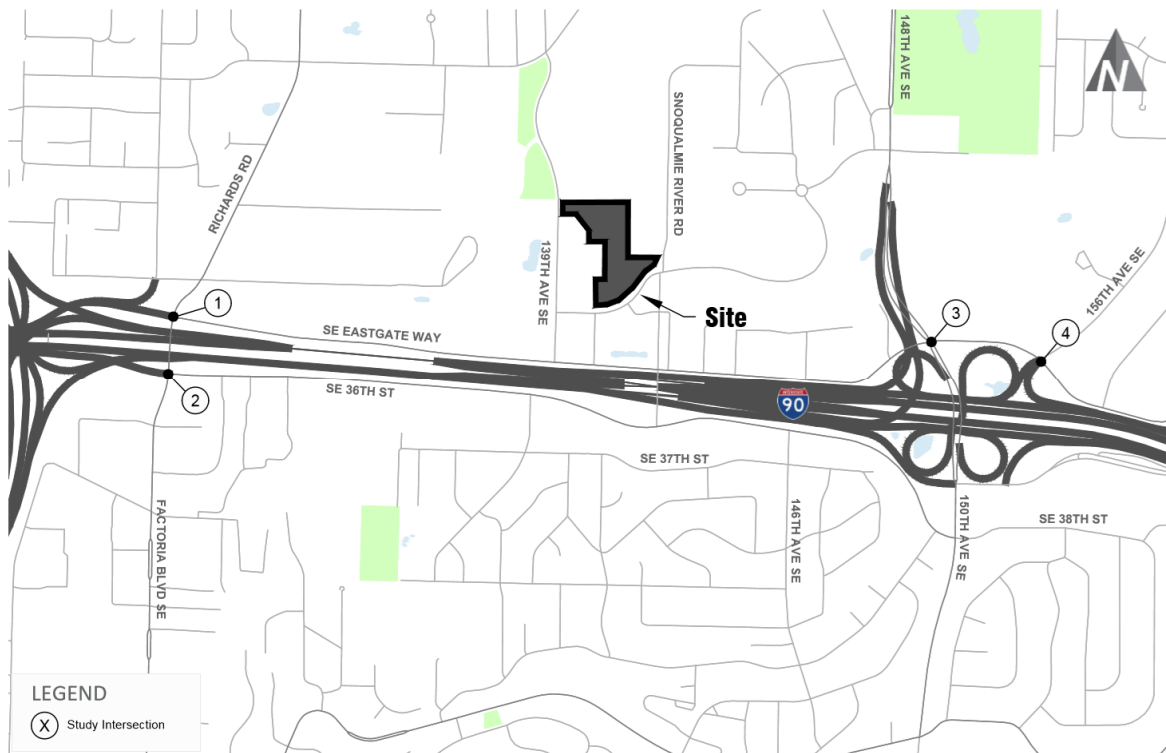


Figure 2. Study Intersections

Traffic Volume Forecasts

Baseline 2035 traffic volumes at the intersections were provided from the City's Synchro Model and is consistent with the volume projections in the *Eastgate Transportation Study*. The primary tool to develop the 2035 Baseline travel forecast is the Bellevue-Kirkland-Redmond (BKR) Travel Demand Model. Land use assumptions in the BKR model are based on the City's adopted land use plans, zoning codes, and a market-based forecast of future development. Based on the assumptions, the Eastgate study area is projected to grow by 0.7 to 1.5 percent annually between 2018 and 2035. In addition, the PM peak hour project trips from the Eastgate Office Rezone Project were included into the study area as a pipeline project and are represented in the Baseline 2035 volumes.

2035 With-Project PM Peak Hour traffic volumes were forecasted by distributing and adding project trips to the Baseline 2035 volumes. The project trip distribution was referenced based on the travel patterns found in the VISSIM model and is shown in Figure 3. 2035 Baseline and With-Project Traffic Volumes are shown in Figure 4.

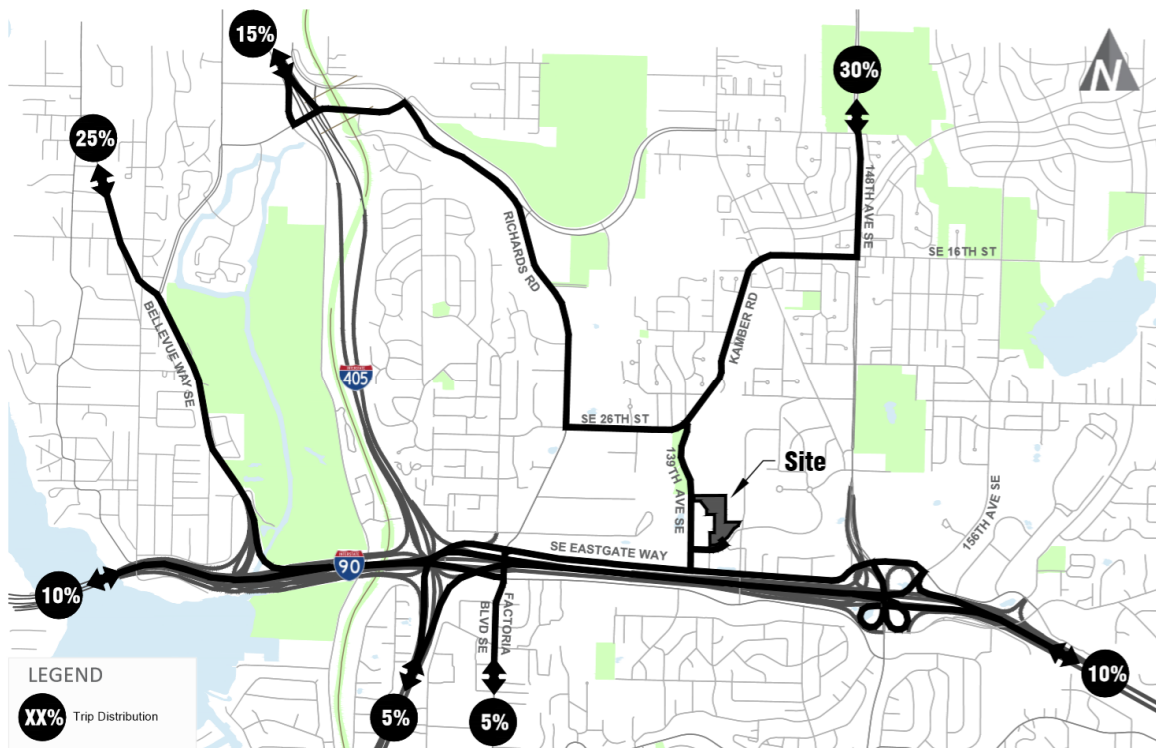


Figure 3. Project Trip Distribution

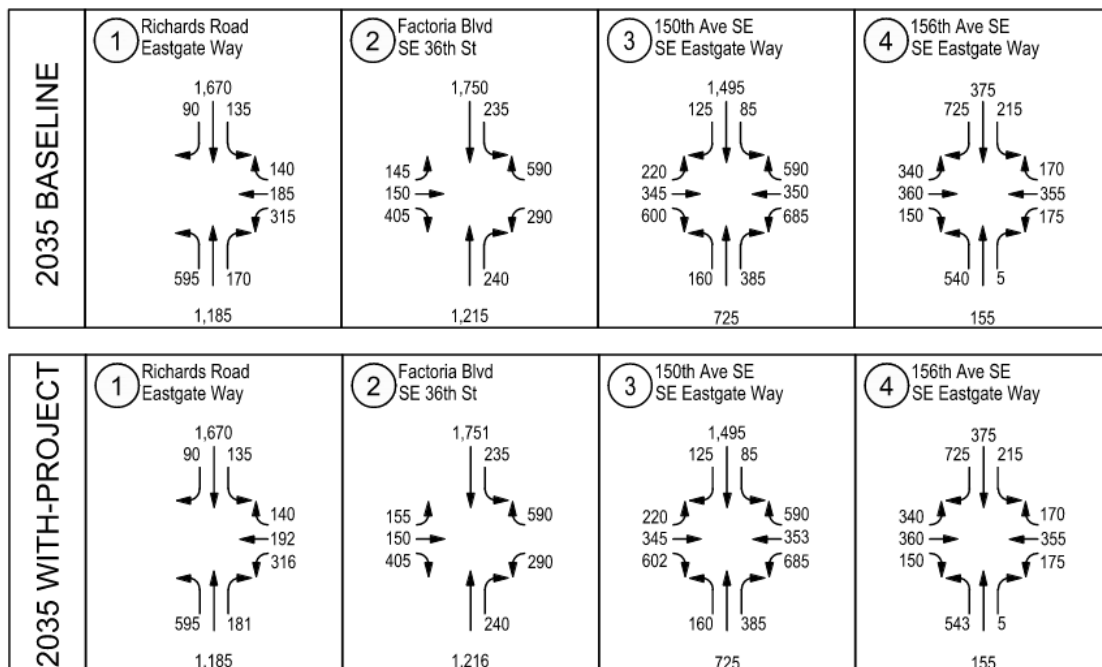


Figure 4. 2035 PM Peak Hour Traffic Volumes

Traffic Operations

The following section summarizes the impacts of the project in regard to V/C and average vehicular speeds along key corridors. It is important to note that the City's 2035 Baseline synchro and VISSIM model included the Planned Transportation Projects outlined in Table 3 of the *Eastgate Transportation Study* but not the Recommended Traffic Congestion Reduction Projects found in Table ES-1.

Volume to Capacity Ratio

Table 2 summarizes the 2035 baseline V/C ratios, project trip impact, and the with-project 2035 V/C ratios for the four study intersections.

Table 2. 2035 V/C Summary

Intersection	Baseline V/C ¹	With Project V/C ²	Delta	Project Trips ³
Richards Road SE/SE Eastgate Way	0.89	0.89	0.00	19
Factoria Blvd SE/SE 36th Street	0.94	0.95	0.01	12
150th Ave SE/SE Eastgate Way	1.15	1.15	0.00	5
156th Ave SE/SE Eastgate Way	0.67	0.67	0.00	3

1. Includes the V/C impact of the Eastgate Office Rezone Project on the V/C ratios found in the *Eastgate Transportation Study*

2. Analyzed in Synchro using HCM 2000 methodology consistent with *Eastgate Transportation Study*

3. Number of PM Peak Hour project trips impacting the intersection

As shown in Table 2, the project trips would not increase any of the V/C ratios significantly based on the Synchro analysis at the study intersections.

Average Vehicular Speeds

Key corridors in the study area were selected to analyze the project impact on average vehicular speed along the corridors. VISSIM 11.0 was used to analyze the speeds. Table 3 summarizes the average vehicular speeds for the baseline and with project scenarios.

Table 3. 2035 Average Vehicular Speeds

Corridor	Direction	Distance	2035 Baseline ¹	2035 With-Project ²	Delta	% Change
148th Ave between SE 24th St and Newport Way	SB	1.2 miles	5.3 mph	5.6 mph	0.3 mph	+5%
	NB	1.2 miles	15.0 mph	14.3 mph	-0.7 mph	-5%
Richards Road between SE 26th St and SE 38th St	SB	0.77 miles	4.0 mph	3.8 mph	-0.2 mph	-4%
	NB	0.77 miles	17.4 mph	17.5 mph	0.1 mph	+0.6%

1. Average vehicular speed observed in the Eastgate Office Rezone analysis during the PM peak hour

2. Average vehicular speed observed in the 2035 With Project VISSIM Model during the PM peak hour

As seen in Table 3, the highest impact of the project may occur on 148th Avenue in the northbound direction with a reduction of 0.7 mph on average. Overall, the differences observed in the VISSIM simulation for average vehicular speeds are generally minimal around 0.5 or less mph changes.

Key Findings

- The project is anticipated to generate 48 net new PM Peak hour trips
- None of the study intersections were found to have significant changes in measured V/C ratios as a result of the project trips.

- The highest impact on vehicular speeds would occur on 148th Avenue in the northbound direction. Changes in travel speed would be minimal, between 0 – 0.7 mph for the studied corridors.
- The analysis was based on a reasonable worst-case density assuming 250 market rate residential units. The results of the traffic analysis show that additional capacity would exist in the system should trips increase. Further concurrency and SEPA reviews of the project will affirm the level of impacts of the project and identify any required mitigation.